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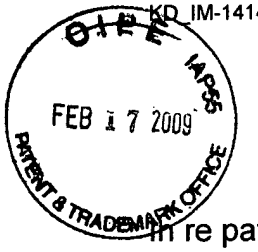


IN THE UNITED STATES PATENT OFFICE

In re patent application of:	) Before the Examiner:
Mark A. Stansbury	) Anita M. King
	)
Application No. 10/669,829	) Group Art Unit 3632
	)
Filed September 24, 2003	)
	)
FURNACE MOUNT AND METHOD OF INSTALLATION	)

I hereby certify that this correspondence is being deposited with the United States Postal Service Express Mail in an envelope addressed to the Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 on:

February 17, 2009
Date of Deposit

J. Stephen Wills
Name of Registered Representative

Signature

APPEAL BRIEF

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to the Notice of Appeal filed with the United States Patent Office on July 10, 2008 in connection with the above-indicated application, an Appeal Brief according to 37 CFR § 41.37 is provided. The Commissioner is authorized to grant any extensions of time, and charge any deficiency or credit any overpayment to Deposit Account No. 12-2424, but not to include issue fees.

I. REAL PARTY IN INTEREST

Per 37 CFR §41.37(c)(1)(i), NSA LLC is the successor in interest of NSA Corporation and is the real party in interest. NSA Corporation obtained ownership of the present application by written assignment recorded at reel/frame number 012262/0309. NSA has licensed an interest to Bramec Corporation of South Dakota.

II. RELATED APPEALS AND INTERFERENCES

Per 37 CFR §41.37(c)(1)(ii), The Appellant, Appellant's legal representative, and the assignee are unaware of any related appeals or interferences which will affect, be directly affected by, or have a bearing on the Appeal Board's decision in the present appeal.

III. STATUS OF CLAIMS

Per 37 CFR §41.37(c)(1)(iii), claims 5-12, 15, 17-22, 26, 28-31, 34, 35, 40, 43, 45-53 and 56-58 are pending, all of which stand rejected. All rejections are appealed hereby on the grounds further explained hereinafter. Claims 1-4, 13, 14, 16, 23-25, 27, 32, 33, 36-39, 41, 42, 44, 54 and 55 have been canceled. The claims are presented in the Claims Appendix in accordance with 37 CFR §41.37(c)(1)(viii).

IV. STATUS OF AMENDMENTS

Per 37 CFR §41.37(c)(1)(iv), the present Appeal Brief is in response to a Final Office Action indicated as having a mail date of July 8, 2008. The claims that are on

appeal are those set forth in Appellant's Amendment mailed December 10, 2007, which was received by the USPTO on December 14, 2007.

V. SUMMARY OF CLAIMED SUBJECT MATTER

Per 37 CFR §41.37(c)(1)(v), the following summarization provides a concise explanation of the subject matter defined in each of the independent claims involved in the appeal. All citations to the present application refer to Publication Number US 2005/0035266 published on Feb. 17, 2005.

Claim 15 states, "A mount for supporting a furnace above the floor, comprising: a substantially rigid main body member having a first surface adapted to engage the floor and a second surface spaced from said first surface and adapted to support the furnace above the floor; a vibration dampening component positioned on and connected with said second surface, said vibration dampening component having an outer adhesive surface adapted to engage and couple said main body member with the furnace; and wherein said main body member has a locating portion extending from said second surface to abut an outer surface of the furnace and position said second surface relative to the furnace, said locating portion includes two upstanding members that are oriented perpendicular to one another."

An exemplary embodiment of claim 15 is described in Figures 1-10 and related text. A member 13 includes a floor elevation body member portion 15 and an upstanding attachment member portion 16. *See* paragraph 32, lines 7-9. The member 13 is formed from a metallic material, composite materials, polymeric materials,

synthetic organic materials, and/or plastic. *See* paragraph 23, lines 16-21. A first surface 116 engages the floor and a second surface 117 is spaced from the first surface 116 and supports the furnace above the floor. *See* paragraph 27, lines 2-12. A vibration dampening pad 19 is positioned between the furnace and the second surface 117. *See* paragraph 24, lines 1-3. In one form, a vibration dampening material 126 is located on and supported by the second surface 117, and an adherent layer 125 is on a furnace side surface of the vibration dampening material 126. *See* paragraph 30, lines 1-6, and lines 21-23. A locating portion 120 including two upstanding members 121 oriented perpendicular to one another is described, where the locating portion 120 abuts an outer surface 10a of the furnace. *See* paragraph 28, lines 11-15.

Claim 21 states, "A combination, comprising: a furnace having outer walls that define four corners; and a plurality of furnace mounts adapted to hold the furnace above a floor, each of said plurality of mounts located at and abutting the outer walls defining each of said comers, wherein each of said plurality of mounts comprises: a substantially rigid main body member having a first surface adapted to engage the floor and a second surface spaced from said first surface and supporting the furnace above the floor; a vibration dampening component positioned on and connected with said second surface, said vibration dampening component having an outer adhesive surface coupling said main body member with the furnace; and wherein said main body member has an integrally formed locating portion extending from said second surface to abut an outer surface of the furnace and position said second surface relative to the furnace."

An exemplary embodiment of claim 21 is described in Figures 1-10 and related text. A furnace 10 having four corners is described with members 14 at each of the four corners. *See* paragraph 22, lines 6-10. A member 13 includes a floor elevation body member portion 15 and an upstanding attachment member portion 16. *See* paragraph 32, lines 7-9. The member 13 is formed from a metallic material, composite materials, polymeric materials, synthetic organic materials, and/or plastic. *See* paragraph 23, lines 16-21. A first surface 116 engages the floor and a second surface 117 is spaced from the first surface 116 and supports the furnace above the floor. *See* paragraph 27, lines 2-12. A vibration dampening pad 19 is positioned between the furnace and the second surface 117. *See* paragraph 24, lines 1-3. In one form, a vibration dampening material 126 is located on and supported by the second surface 117, and an adherent layer 125 is on a furnace side surface of the vibration dampening material 126. *See* paragraph 30, lines 1-6, and lines 21-23. A locating portion 120 including two upstanding members 121 oriented perpendicular to one another is described, where the locating portion 120 abuts an outer surface 10a of the furnace. *See* paragraph 28, lines 11-15.

Dependent claim 29 states, "The combination of claim 21, wherein each of said plurality of furnace mounts are coupled to the furnace free of any mechanical fasteners." An exemplary embodiment of claim 29 is described at paragraph 29, "[t]he adhesive material securely couples the furnace mounting block 111 with the furnace 10. In one form of the present invention the adhesive material is a double backed tape, however other material such as, but not limited to, glue are contemplated herein." *See* paragraph 29, lines 6-10.

Claim 40 states, "A mount for supporting a furnace above the floor, comprising: a molded integrally formed rigid main body member having a first surface adapted to engage the floor and a second surface spaced from said first surface and adapted to support the furnace above the floor; an adherent component connected with said main body member and located proximate said second surface, said adherent component including an adhesive surface adapted to engage and couple said main body member with the furnace; and means for locating the furnace on said second surface, wherein said means for locating the furnace is adapted to abut the furnace."

An exemplary embodiment of claim 40 is described in Figures 1-10 and related text. A molded integrally formed rigid main body member 13 (*see* paragraph 23, lines 7-14) includes a first surface adapted to engage the floor and a second surface spaced from said first surface and adapted to support the furnace above the floor (*see* paragraph 27, lines 2-12). An adherent component connected with the main body member and located proximate to the second surface includes an adhesive surface adapted to engage and couple the main body member with the furnace. *See* paragraph 30 lines 1-6 and lines 21-23. A means for locating the furnace on the second surface, and adapted to abut the furnace, is described in various places including paragraph 23 lines 24-32, paragraph 28 lines 1-17, paragraph 31 lines 3-8, paragraph 32 lines 10-13, and paragraph 32 lines 16-19.

Claim 46 states, "A mount for supporting a furnace above the floor, comprising: a substantially rigid main body member having a first surface adapted to engage the floor and a second surface spaced from said first surface and adapted to support the

furnace above the floor; a vibration dampening component positioned on and connected with said second surface, said vibration dampening component having an outer adhesive surface adapted to engage and couple said main body member with the furnace; and wherein said main body member has a locating portion extending from said second surface to abut an outer surface of the furnace and position said second surface relative to the furnace."

An exemplary embodiment of claim 46 is described in Figures 1-10 and related text. A substantially rigid main body member 13 (*see* paragraph 23, lines 7-14) includes a first surface adapted to engage the floor and a second surface spaced from said first surface and adapted to support the furnace above the floor (*see* paragraph 27, lines 2-12). A vibration dampening component 19 is positioned on and connected with the second surface. *See* paragraph 24, lines 1-3. In one form, a vibration dampening material 126 is located on and supported by the second surface 117, and an outer adhesive surface 125 engages and couples the main body to the furnace. *See* paragraph 30, lines 1-6, and lines 21-23. A locating portion 120 extends from the second surface to abut an outer surface of the furnace and to position the second surface relative to the furnace. *See* paragraph 32, lines 10-13.

Claim 51 states, "A combination, comprising: a furnace having outer walls that define four comers; and a plurality of furnace mounts adapted to hold the furnace above a floor, each of said plurality of mounts located at and abutting the outer walls defining each of said corners, wherein each of said plurality of mounts comprises: a substantially rigid molded main body member having a first surface adapted to engage the floor and

a second surface spaced from said first surface and supporting the furnace above the floor, said main body member is a single piece integrally formed structure including a locating portion adapted to abut at least one of the outer walls of the furnace; and a vibration dampening component positioned on and connected with said second surface, said vibration dampening component having an outer adhesive surface coupling said main body member with the furnace."

An exemplary embodiment of claim 51 is described in Figures 1-10 and related text. A furnace 10 having four corners is described with members 14 at each of the four corners holding the furnace above the floor and abutting the outer walls. *See* paragraph 22, lines 6-10, and paragraph 32, lines 7-9. A molded, integrally formed, substantially rigid main body member 13 (*see* paragraph 23, lines 7-14) includes a first surface adapted to engage the floor and a second surface spaced from said first surface and adapted to support the furnace above the floor and abut at least one outer wall of the furnace (*see* paragraph 27, lines 2-12). A vibration dampening component 19 is positioned on and connected with the second surface. *See* paragraph 24, lines 1-3. In one form, a vibration dampening material 126 is located on and supported by the second surface 117, and an outer adhesive surface 125 couples the main body to the furnace. *See* paragraph 30, lines 1-6, and lines 21-23.

Claim 56 states, "A mount for supporting a furnace above the floor, comprising: an integrally formed main body member having a first surface adapted to engage the floor and a second surface spaced from said first surface and adapted to support the furnace above the floor, said main body member including a pair of integrally formed

upstanding wall members defining a locator portion to abut an outer surface of the furnace and position the furnace relative to said main body member; and an adherent component connected with said main body member and located proximate said second surface, said adherent component including an adhesive surface adapted to engage and couple said main body member with the furnace."

An exemplary embodiment of claim 56 is described in Figures 1-10 and related text. An integrally formed rigid main body member 13 (*see* paragraph 23, lines 7-14) includes a first surface adapted to engage the floor and a second surface spaced from said first surface and adapted to support the furnace above the floor (*see* paragraph 27, lines 2-12). A pair of integrally formed upstanding wall members 121 define a locating portion 120 that abuts an outer surface of the furnace and positions the second surface relative to the furnace. *See* paragraph 28, lines 12-15. In one form, an adherent component includes a vibration dampening material 126 located on and supported by the second surface 117, and an outer adhesive surface 125 engages and couples the main body to the furnace. *See* paragraph 30, lines 1-6, and lines 21-23.

Dependent claim 5 states, "The mount of claim 56, which further includes a vibration dampening material located on said second surface and adapted to receive the furnace thereon, and wherein said vibration dampening material is defined by an elastomeric material." An exemplary embodiment of claim 5 is described at paragraph 30, lines 1-3 and lines 15-17.

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Pursuant to 37 CFR §41.37(c)(1)(vi), review of the following issues are presented in this appeal:

A. The rejection of claims 29, 45, 48, 50 and 52 under 35 U.S.C. §112 as failing to comply with the enablement requirement.

B. The rejection of claims 5, 8-11, 26, 30, 31, 34, 35, 40, 43 and 56-58 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 1,887,283 to Brabson (Brabson) and U.S. Patent No. 3,326,508 to Born (Born).

C. The rejection of claims 6 and 12 under 35 U.S.C. §103(a) as being unpatentable over Brabson, Born, and U.S. Patent No. 1,880,153 to Rosenzweig (Rosenzweig).

D. The rejection of claim 7 under 35 U.S.C. §103(a) as being unpatentable over Brabson, Born, and U.S. Patent No. 3,583,215 to Franz (Franz).

E. The rejection of claims 15, 17-20, 28, 46, 47 and 49 under 35 USC § 103(a) over Brabson, U.S. Patent No. 4,721,275 to Benton, et al., (Benton), and Born.

F. The rejection of claims 21, 22, 51 and 53 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 1,647,828 to Griswold (Griswold), Brabson, Benton, and Born.

VII. ARGUMENTS

The following remarks address the different grounds of rejection in accordance with 37 CFR § 41.37(c)(1)(vii).

For purposes of clarification, Appellants assert that if claim 56 is allowable, all remaining claims in the present application are allowable for analogous reasons or for depending upon an allowable claim. Appellants assert that if claim 5 is allowable and claim 56 is not allowable, claims 5-12, 15, 17-20, 21, 22, 27, 29, 34, 35, 46, 47-50, 51-53, and 58 are also allowable for analogous reasons or for depending upon an allowable claim.

Some of the rejections herein are based on 35 U.S.C. § 103(a). The seminal case directed to application of 35 U.S.C. § 103 is *Graham v. John Deere*, 383 U.S. 1, 148 USPQ 459 (1966). From this case, four familiar factual inquiries have resulted. The first three are directed to the evaluation of prior art relative to the claims at issue, and the last is directed to evaluating evidence of secondary considerations. *See*, MPEP §2141.

The examiner bears the burden of establishing a prima facie case of obviousness. *See*, *In re Warner*, 379 F.2d 1011, 1016, 154 USPQ 173 (CCPA 1967), *cert. denied*, 389 U.S. 1057 (1968). To meet this burden, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a

reasonable expectation of success. Third, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. *See*, MPEP § 2142, *citing In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). *KSR v. Teleflex*, 550 U.S. ___ (2007), makes clear that "the [Graham] factors continue to define the inquiry that controls." *KSR* at 2. For the following reasons, these criteria have not been met and a prima facie case of obviousness has not been established.

A. The rejection of claims 29, 45, 48, 50 and 52 under 35 U.S.C. §112 as failing to comply with the enablement requirement.

The Final Office Action (Final) states that "Claims 29, 45, 48, 50, and 52... contai[n] subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The above mentioned claims cite the limitation the 'plurality of furnace mounts are coupled to the furnace free of any mechanical fasteners'; this limitation negates the claim language of claim 21, 40, 46, and 50 [sic] from which the above claims depend. The adhesive surface or adherent component cited in claims 21, 40, and 46 is a mechanical fastener and thus, claims 29, 45, and 48 have not been further treated on their merits." Final, at page 2.

Appellants respectfully traverse the rejection. The Specification states that "[i]n one form of the present invention the adhesive material is a double backed tape,

however other materials such as, but not limited to, glue are contemplated herein." See paragraph 29, lines 7-10. In another section, the Specification states "[t]he furnace mounting block with the adhesive exposed is positioned proximate the bottom surface 20 of the furnace 10." See paragraph 32, lines 8-10, emphasis added. The Specification presents clear examples of the adhesive surface or adherent component as an adhesive or a glue. One of skill in the art views a glue or adhesive as a chemical fastener, and views a mechanical fastener as requiring a mechanical component. Therefore, the specification clearly enables one of skill in the art to make and/or use the invention described in claims 29, 45, 48, 50, and 52.

In the adhesive arts, adhesives are differentiated from mechanical fasteners. For example, the HANDBOOK OF ADHESIVE TECHNOLOGY differentiates adhesives from mechanical fasteners, stating that an aerobic adhesive may be considered a "chemical fastener" "that may replace the need for mechanical fasteners." Antonio Pizzi and K. L. Mittal, HANDBOOK OF ADHESIVE TECHNOLOGY, at 481-2 (CRC Press 1994). In the mechanical arts, a mechanical fastener is understood to require a mechanical structure. For example, makeitmetal.com defines "mechanical fastener" as a "[d]evice clamping two or more components together by mechanical force, such as rivets, screws, etc." *See*, http://www.makeitmetal.com/resources/gloss-hm.htm, last visited Feb. 12, 2009.

Appellants assert that the Specification clearly describes embodiments that do not include a mechanical fastener. Further, for the reasons described above, one of skill in the art would not consider an adhesive to be a mechanical fastener, but rather a chemical fastener. Therefore, Appellants submit that the rejection of claims 29, 45, 48,

50, and 52 under 35 U.S.C. § 112 is improper, and requests that the rejection be withdrawn.

B. The rejection of claims 5, 8-11, 26, 30, 31, 34, 35, 40, 43 and 56-58 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 1,887,283 to Brabson (Brabson) and U.S. Patent No. 3,326,508 to Born (Born).

Claim 56 states, in relevant part, "an adherent component connected with said main body member and located proximate said second surface, said adherent component including an adhesive surface adapted to engage and couple said main body member with the furnace." Claim 5 depends upon claim 56, and further includes, in relevant part, "a vibration dampening material located on said second surface and adapted to receive the furnace thereon, and wherein said vibration dampening material is defined by an elastomeric material."

The Final acknowledges that Brabson does not include "an adherent component connected with the main body member and located proximate the second surface and a vibration dampening material located on the second surface." *See* Final, page 3, lines 15-17. The Final states that Born teaches the missing aspects of Brabson, and asserts that one of skill in the art would have found it obvious to modify Brabson with elements of Born. The Appellants traverse the rejection of these claims under 35 U.S.C. § 103(a), and assert that claims 5, 8-11, 26, 30, 31, 34, 35, 40, 43, and 56-58 are patentable over Brabson and Born because that one of skill in the art would not

combine the teachings of Brabson and Born, and because secondary considerations strongly favor a finding of non-obviousness in the present application.

1) The combination of Brabson and Born is improper

Brabson discloses a "furniture support intended for stabilizing furniture in positions selected, so that it may not be casually moved about . . . ." (page 1, lines 68-72). The support is a substantially planiform rectangular plate 20 having upstanding integral flanges 21 (page 1, lines 76-78), on the lower side of which are points or spurs having blunt ends that are of sufficient length to sink partway through standard office linoleum whereby the support is fixed against lateral movement upon the floor (page 1, lines 96-100, Figs. 1-3). If the furniture supported by plate 20 is lifted and removed, the spurs remain in place so that furniture may be replaced exactly in their original position (page 2, lines 1-4). The disclosed and claimed embodiments allow the furniture to be easily removed from the supports, for example "a body plate adapted to be set under the leg of an article of furniture, said plate having furniture leg locating upstanding extensions defining a part of the boundary of the plate *shaped to receive a leg therebeside for free vertical movement*...." See Brabson claim, emphasis added.

Born discloses a universal slide caster 20 that enables easy sliding movement of bulky structures along a floor surface (col. 2, lines 27-31) while the furniture is engaged with the caster. A slide shoe 22 at the bottom of the caster 20 is made of a lubric plastic material to be smoothly slidable on all ordinary floor surfaces (col. 2, lines 58-61, Figs. 1-3), and a pressure sensitive adhesive 21A improves the grip and facilitates mounting of the caster.

Thus, Brabson provides a furniture support that prevents the sliding of the furniture while engaged with the supports. Brabson further provides that the furniture is freely engageable with the supports, and that features of the supports allow the furniture to be repositioned exactly after removal from the supports. By contrast, Born discloses a universal slide caster having a slidable shoe to allow sliding movement of bulky structures, and an adhesive to improve grip and facilitate mounting of the slidable caster on the bulky structure.

One of skill in the art would not look to a reference that teaches shoes to ease sliding of furniture to improve a reference that teaches a support that prevents the sliding of furniture. Further, the addition of either Brabson or Born to the other defeats the operation of the starting reference. For example, adding Brabson to Born prevents the furniture from sliding, defeating the intent of Born. Adding Born to Brabson defeats the free engagability of the furniture with the support, defeating the intent of Brabson and preventing the furniture from having any convenient method of being moved.

2) Products in accordance with the claims have experienced significant commercial success due to those products having the features claimed in the present application.

Evidence of commercial success must be considered in determining the issue of obviousness. *See* MPEP 716.01(a). In *ex parte* proceedings before the Patent and Trademark Office, an applicant must show that the claimed features were responsible for the commercial success of an article if the evidence of nonobviousness is to be accorded substantial weight. See *In re Huang,* 100 F.3d 135, 140, 40 USPQ2d 1685,

1690 (Fed. Cir. 1996) (Inventor's opinion as to the purchaser's reason for buying the product is insufficient to demonstrate a nexus between the sales and the claimed invention.).

In the present case, affidavits presented in February of 2004 present the case for the commercial success of products created under claimed aspects of the present invention. An exemplary affidavit is the one offered by Tim Jacobson on February 10, 2004. Numbered statement 3 makes it clear that Tim had not seen a furnace mounting block like the type described in the patent and that he used from NSA. Numbered statement 4 – "[w]ith the NSA Furnace Mounting Blocks the blocks and the furnace move together as one unit. Thereby, providing an installation time saving of about fifteen minutes for many installations," provides a clear nexus between the claimed aspect in claim 56 (i.e. "adherent component") and the reason for Tim's satisfaction with the blocks. The affidavit of Walter Key offered on Feb. 11, 2004 indicates a rapid rise in sales from at least 50,000 units in to about 174,000 units within two years on a minimal advertising budget of less than $12,000 during those two years combined (*see* Walter Key affidavit, numbered statements 4, 6, and 7). However, it is even more important that numbered statement 6 (emphasis added) of the Tim Jacobson affidavit clearly states that specific market share increases were attributable to the claimed aspects of the furnace mounting product, stating "our company *has adopted* the Furnace Mounting Blocks as our preferred means for mounting furnaces to the floor."

The Federal Circuit clarified the standard required to prove the nexus between the commercial success and the novel features claimed in the application (From In re Huang, 100 F. 3d 135, 140, emphasis added):

> Huang's affidavit contains a conclusory assertion that, in his opinion, the sales of the grips derive from the increased thickness of the polyurethane layer and the alignment of the pores. This merely represents the inventor's opinion as to the purchaser's reason for buying the product, and, alone, is insufficient. Instead, the applicant must submit some factual evidence that demonstrates the nexus between the sales and the claimed invention – *for example, an affidavit from the purchaser explaining that the product was purchased due to the claimed features.* ... In sum, Huang simply has not carried his burden to prove that a nexus existed between any commercial success and the novel features claimed in the application.

Contrasted with Huang, in the present case affidavits from multiple purchasers explaining that the product was purchased due to the claimed features are presented, and that specific market share increases occurred as a result. Therefore, Appellants have carried the burden to prove the nexus between the commercial success and the novel features claimed in the application. Each of the claims 5, 8-11, 26, 30, 31, 34, 35, 40, 43, and 57-58 either depends upon claim 56 or includes analogous novel elements that are addressed in the affidavits as discussed regarding claim 56 previously.

For the reasons described above, the references Brabson and Born would not be combined by one of skill in the art. Further, one of skill in the art with knowledge of both references would not combine them to create the present invention as evidenced by the commercial success of the articles of manufacture due to claimed features in the present application. Therefore, the rejection of claims 5, 8-11, 26, 30, 31, 34, 35, 40, 43, and 56-58 under 35 U.S.C. § 103(a) is improper and Appellants request that the rejections be overturned.

C. The rejection of claims 6 and 12 under 35 U.S.C. §103(a) as being unpatentable over Brabson, Born, and U.S. Patent No. 1,880,153 to Rosenzweig (Rosenzweig).

Appellants respectfully submit that claims 6 and 12 are patentable under 35 U.S.C. §103(a) over Brabson in view of Born and in further view of U.S. Patent No. 1,880,153 to Rosenzweig (hereinafter, Rosenzweig) for reasons analogous to those presented regarding claim 5 previously. Appellants respectfully request the Board overturn the rejection of claims 6 and 12 under 35 U.S.C. § 103(a).

D. The rejection of claim 7 under 35 U.S.C. §103(a) as being unpatentable over Brabson, Born, and U.S. Patent No. 3,583,215 to Franz (Franz).

Appellants respectfully submit that claim 7 is patentable under 35 U.S.C. §103(a) over Brabson in view of Born and in further view of U.S. Patent No. 3,583,215 to Franz (hereinafter, Franz) for reasons analogous to those presented regarding claim 5 previously. Appellants respectfully request the Board overturn the rejection of claim 7 under 35 U.S.C. § 103(a).

E. The rejection of claims 15, 17-20, 28, 46, 47 and 49 under 35 USC § 103(a) over Brabson, U.S. Patent No. 4,721,275 to Benton, et al., (Benton), and Born.

Appellants respectfully submit that claims 15, 17-20, 28, 46, 47 and 49 are

patentable under 35 USC § 103(a) over Brabson, U.S. Patent No. 4,721,275 to Benton, et al., (Benton), and Born for reasons analogous to those presented regarding claim 5 previously. Appellants respectfully request the Board overturn the rejection of claims 15, 17-20, 28, 46, 47, and 49 under 35 U.S.C. § 103(a).

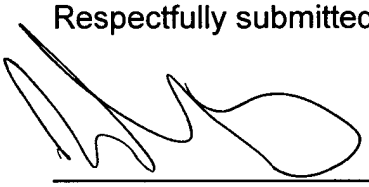
F. The rejection of claims 21, 22, 51 and 53 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 1,647,828 to Griswold (Griswold), Brabson, Benton, and Born.

Appellant respectfully submits that claims 21, 22, 51 and 53 are patentable under 35 U.S.C. §103(a) over U.S. Patent No. 1,647,828 to Griswold in view of Brabson, Benton, and Born for reasons analogous to those presented regarding claim 5 previously. Appellants respectfully request the Board overturn the rejection of claims 21, 22, 51, and 53 under 35 U.S.C. § 103(a).

VIII. CONCLUSION

As set forth above, Appellants submit that all remaining claims in the present application are allowable. Therefore, reversal of the rejections by the Appeal Board is hereby requested.

Respectfully submitted,



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CLAIMS APPENDIX

1. (Cancelled)

2. (Cancelled)

3. (Cancelled)

4. (Cancelled)

5. (Previously presented) The mount of claim 56, which further includes a vibration dampening material located on said second surface and adapted to receive the furnace thereon, and wherein said vibration dampening material is defined by an elastomeric material.

6. (Previously presented) The mount of claim 56, which further includes a vibration dampening material located on said second surface and adapted to receive the furnace thereon, and wherein said vibration dampening material is defined by a cork material.

7. (Previously presented) The mount of claim 56, which further includes a vibration dampening material located on said second surface and adapted to receive the furnace thereon, and wherein said vibration dampening material is defined by an elastomeric and cork configuration.

8. (Previously presented) The mount of claim 56, wherein said adherent component is attached to said vibration dampening material, and wherein said adhesive surface is spaced from said second surface.

9. (Original) The mount of claim 8, wherein said adhesive surface is substantially parallel with said second surface.

10. (Previously presented) The mount of claim 8, wherein said adherent component includes a vibration dampening portion located between said second surface and said adhesive surface.

11. (Original) The mount of claim 10, wherein said vibration dampening portion includes an elastomeric material.

12. (Original) The mount of claim 10, wherein said vibration dampening portion includes a cork material.

13. (Cancelled)

14. (Cancelled)

15. (Previously presented) A mount for supporting a furnace above the floor, comprising:

a substantially rigid main body member having a first surface adapted to engage the floor and a second surface spaced from said first surface and adapted to support the furnace above the floor;

a vibration dampening component positioned on and connected with said second surface, said vibration dampening component having an outer adhesive surface adapted to engage and couple said main body member with the furnace; and

wherein said main body member has a locating portion extending from said second surface to abut an outer surface of the furnace and position said second surface relative to the furnace, said locating portion includes two upstanding members that are oriented perpendicular to one another.

16. (Cancelled)

17. (Original) The mount of claim 15, wherein said vibration dampening component includes an elastomeric material.

18. (Original) The mount of claim 15, wherein said vibration dampening component includes a cork material.

19. (Original) The mount of claim 15, wherein said main body member supports the furnace about at least 2 inches above the floor.

20. (Original) The mount of claim 15, wherein said first and second surfaces are substantially parallel.

21. (Previously presented) A combination, comprising:

a furnace having outer walls that define four corners; and

a plurality of furnace mounts adapted to hold the furnace above a floor, each of said plurality of mounts located at and abutting the outer walls defining each of said comers, wherein each of said plurality of mounts comprises:

a substantially rigid main body member having a first surface adapted to engage the floor and a second surface spaced from said first surface and supporting the furnace above the floor;

a vibration dampening component positioned on and connected with said second surface, said vibration dampening component having an outer adhesive surface coupling said main body member with the furnace; and

wherein said main body member has an integrally formed locating portion extending from said second surface to abut an outer surface of the furnace and position said second surface relative to the furnace.

22. (Previously presented) The combination of claim 21, wherein said locating portion engages a corner of the furnace.

23. (Cancelled)

24. (Cancelled)

25. (Cancelled)

26. (Previously presented) The mount of claim 56, wherein said upstanding wall members extend substantially along two sides of said main body member.

27. (Cancelled)

28. (Previously presented) The mount of claim 15, wherein said two upstanding members are oriented perpendicular to one another, and wherein each of the two upstanding members has a bearing surface adapted to abut the furnace, and wherein said upstanding members are perpendicular to said second surface.

29. (Previously presented) The combination of claim 21, wherein each of said plurality of furnace mounts are coupled to the furnace free of any mechanical fasteners.

30. (Previously presented) The mount of claim 56, wherein said main body member has a first vertical length and at least one of said upstanding wall members has a second vertical length, wherein said first vertical length is substantially equal to said second vertical length.

31. (Previously presented) The mount of claim 56, wherein said main body member having a first vertical length and at least one of said upstanding wall members having a second vertical length, wherein said first vertical length is greater than said second vertical length.

32. (Cancelled)

33. (Cancelled)

34. (Previously presented) The mount of claim 56, wherein said adherent component including a vibration dampening material, and wherein said adhesive surface spaced from said second surface by said vibration dampening material.

35. (Previously presented) The mount of claim 34, wherein the mount is integrally molded of a polymeric material, and wherein the mount is a rigid body which can support the furnace.

36. (Cancelled)

37. (Cancelled)

38. (Cancelled)

39. (Cancelled)

40. (Previously presented) A mount for supporting a furnace above the floor, comprising:

a molded integrally formed rigid main body member having a first surface adapted to engage the floor and a second surface spaced from said first surface and adapted to support the furnace above the floor;

an adherent component connected with said main body member and located proximate said second surface, said adherent component including an adhesive surface adapted to engage and couple said main body member with the furnace; and

means for locating the furnace on said second surface, wherein said means for locating the furnace is adapted to abut the furnace.

41. (Cancelled)

42. (Cancelled)

43. (Previously presented) The mount of claim 40, wherein the mount is formed of a polymeric material.

44. (Cancelled)

45. (Previously presented) The mount of claim 40, wherein said main body is free of engagement with any mechanical fasteners.

46. (Previously presented) A mount for supporting a furnace above the floor, comprising:

a substantially rigid main body member having a first surface adapted to engage the floor and a second surface spaced from said first surface and adapted to support the furnace above the floor;

a vibration dampening component positioned on and connected with said second surface, said vibration dampening component having an outer adhesive surface adapted to engage and couple said main body member with the furnace; and

wherein said main body member has a locating portion extending from said second surface to abut an outer surface of the furnace and position said second surface relative to the furnace.

47. (Previously presented) The mount of claim 46, wherein said main body is a molded structure.

48. (Previously presented) The mount of claim 46, wherein the mount is adapted to be coupled to the furnace free of any mechanical.

49. (Previously presented) The mount of claim 46, wherein said first and second surfaces are parallel.

50. (Previously presented) The mount of claim 46, wherein said main body is molded of a polymeric material;

wherein the mount is adapted to be coupled to the furnace free of any mechanical fastener connecting with said main body member; and wherein said first and second surfaces are parallel.

51. (Previously presented) A combination, comprising:

a furnace having outer walls that define four comers; and

a plurality of furnace mounts adapted to hold the furnace above a floor, each of said plurality of mounts located at and abutting the outer walls defining each of said corners, wherein each of said plurality of mounts comprises:

a substantially rigid molded main body member having a first surface adapted to engage the floor and a second surface spaced from said first surface and supporting the furnace above the floor, said main body member is a single piece integrally formed structure including a locating portion adapted to abut at least one of the outer walls of the furnace; and

a vibration dampening component positioned on and connected with said second surface, said vibration dampening component having an outer adhesive surface coupling said main body member with the furnace.

52. (Previously presented) The combination of claim 51, wherein each of said plurality of furnace mounts are coupled to the furnace free of any mechanical fasteners.

53. (Previously presented) The combination of claim 51, wherein said first and second surfaces are parallel; and, wherein said main body is a molded of a polymeric material.

54. (Cancelled)

55. (Cancelled)

56. (Previously presented) A mount for supporting a furnace above the floor, comprising:

an integrally formed main body member having a first surface adapted to engage the floor and a second surface spaced from said first surface and adapted to support the furnace above the floor, said main body member including a pair of integrally formed upstanding wall members defining a locator portion to abut an outer surface of the furnace and position the furnace relative to said main body member; and

an adherent component connected with said main body member and located proximate said second surface, said adherent component including an adhesive surface adapted to engage and couple said main body member with the furnace.

57. (Previously presented) The mount of claim 26, wherein said adherent component is attached to said second surface, and wherein said adhesive surface is spaced from said second surface.

58. (Previously presented) The mount of claim 40, wherein said adherent component includes a vibration dampening portion located between said second surface and said adhesive surface.

EVIDENCE APPENDIX

A. Purchaser affidavits by Tim Jacobson, Dave Cournoyer, Ron Jackson, Stephen Hutcheson, John Knipe, Gene Lee, Rick Elston, and Jeff Malone, entered into the record Feb. 11, 2004.

B. Affidavit of Walter R. Key, a representative of the successor in interest of the Assignee of the present application, entered into the record Feb. 11, 2004.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

(1)

In re patent application:	)
	) Before the Examiner
Mark A. Stansbury	)
	)
Serial No. 10/669,829	)
	) Group Art Unit 3632
Filed September 24, 2003	)
	)
FURNACE MOUNT AND METHOD OF INSTALLATION	)
	) Our Ref.: 27028-5

DECLARATION OF TIM JACOBSON

I, Tim Jacobson, hereby swear and affirm as follows:

1. I am the ~~President~~ MECHANICAL DEPT MANAGER of Delcon, Inc. in Jackson, Wyoming. We are contractors, and as part of this work, we install and replace furnaces.

2. In particular, our company has purchased and used the NSA Products, Inc. Furnace Mounting Blocks. Such Furnace Mounting Blocks are the type generally illustrated in the drawings labeled Figs. 5-10 and attached here as Exhibit A.

3. Prior to NSA Products' furnace mounting block, I had never seen a light-weight furnace mounting block system of this type for elevating the furnace from the floor.

4. I consider the Furnace Mounting Block of NSA Products to be a fabulous invention. The Furnace Mounting Block system as compared to previous techniques, such as utilizing masonry blocks to hold the furnace off of the floor, leads to a significantly enhanced installation. The Furnace Mounting Block also improves the quality of the installer's work day by eliminating the need to carry heavy masonry blocks to the job site and affording in many jobs the option to

slide the furnace into position while seated on the furnace mounting blocks. When using masonry blocks the furnace and masonry blocks move separately when the furnace is adjusted into place. With the NSA Furnace Mounting Blocks the blocks and the furnace move together as one unit. Thereby, providing an installation time saving of about fifteen minutes for many installations.

5. In my experience, prior to NSA Products' Furnace Mounting Blocks, utilization of masonry blocks to install a furnace was a given – it was just the way it was done.

6. NSA Products' Furnace Mounting Block provides a simple but powerful solution to the problems associated with mounting furnaces above the floor. Because of the many benefits associated with the product, our company has adopted the Furnace Mounting Blocks as our preferred means for mounting furnaces above the floor.

7. Other than being a satisfied customer, I have no financial interest in NSA Products or its patent application.

8. I, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001, declare that the facts set forth in the Declaration are true; all statements made of my own knowledge are true; and all statements made on information are believed to be true.

Date: 2/10/04 By: Tim Jacobson

Tim Jacobson, President

MECH DEPT MANAGER

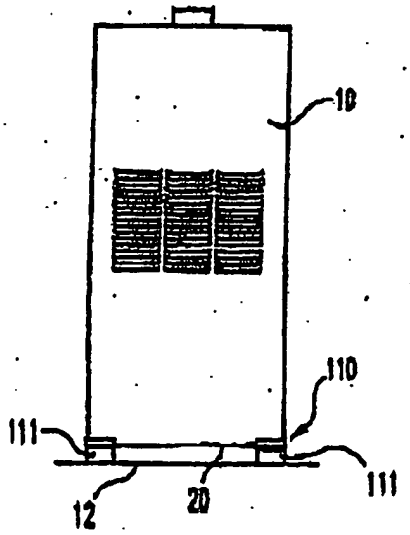

Fig. 5

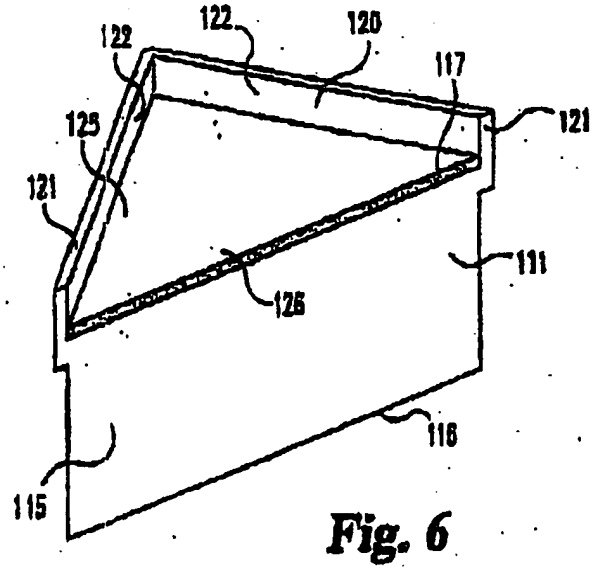

Fig. 6

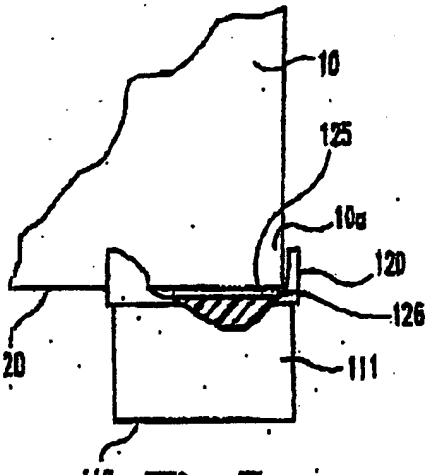
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Fig. 7

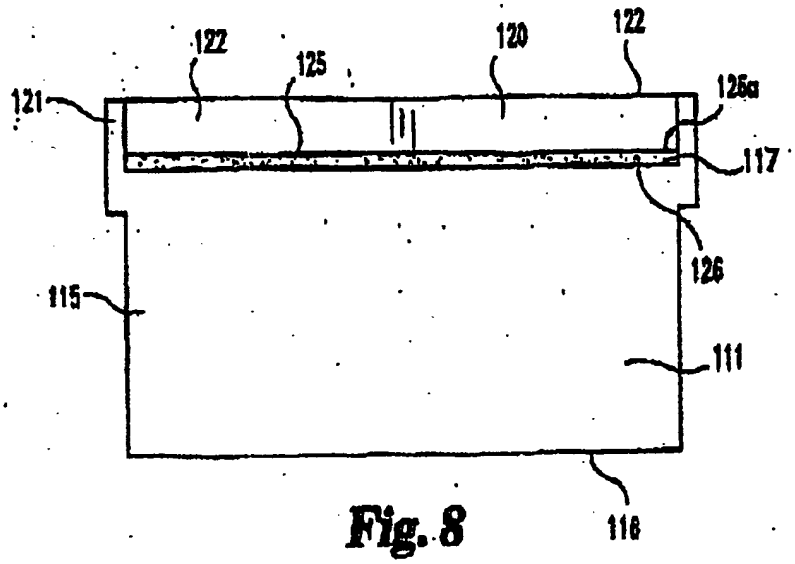
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Fig. 8

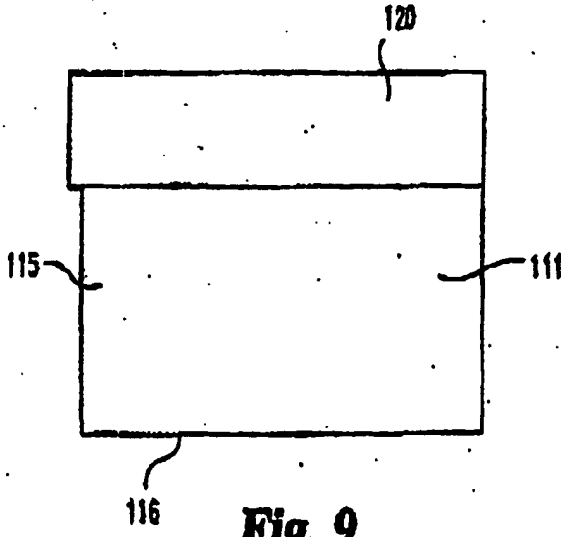


Fig. 9

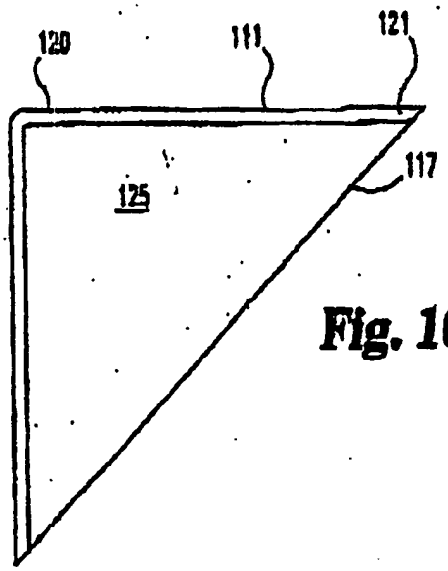


Fig. 10

(1)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application:	) Before the Examiner
Mark A. Stansbury	)
Serial No. 10/669,829	) Group Art Unit 3632
Filed September 24, 2003	)
FURNACE MOUNT AND METHOD OF INSTALLATION	) Our Ref.: 27028-5

DECLARATION OF DAVE COURNOYER

I, Dave Cournoyer, hereby swear and affirm as follows:

1. I am the Service Manager at J. Maloney & Sons in Cedar Brook, New Jersey. We are an HVAC-R Service Contractor, and as part of our work we install residential and light commercial furnaces.

2. In particular, our company has purchased and used the NSA Products, Inc. Furnace Mounting Blocks. Such Furnace Mounting Blocks are the type generally illustrated in the drawings labeled Figs. 5-10 and attached here as Exhibit A.

3. Prior to NSA Products' furnace mounting block, I had never seen a light-weight furnace mounting block system of this type for elevating the furnace from the floor.

4. I consider the Furnace Mounting Block of NSA Products to be a fabulous invention. The Furnace Mounting Block system as compared to previous techniques, such as utilizing masonry blocks to hold the furnace off of the floor, leads to a significantly enhanced installation. The Furnace Mounting Block also improves the quality of the installer's work day by eliminating the need to carry

heavy masonry blocks to the job site and affording in many jobs the option to slide the furnace into position while seated on the furnace mounting blocks. When using masonry blocks the furnace and masonry blocks move separately when the furnace is adjusted into place. With the NSA Furnace Mounting Blocks the blocks and the furnace move together as one unit. Thereby, providing an installation time saving of about fifteen minutes for many installations

5. In my experience, prior to NSA Products' Furnace Mounting Blocks, utilization of masonry blocks to install a furnace was a given – it was just the way it was done.

6. NSA Products' Furnace Mounting Block provides a simple but powerful solution to the problems associated with mounting furnaces above the floor. Because of the many benefits associated with the product, our company has adopted the Furnace Mounting Blocks as our preferred means for mounting furnaces above the floor.

7. Other than being a satisfied customer, I have no financial interest in NSA Products or its patent application.

8. I, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001, declare that the facts set forth in the Declaration are true; all statements made of my own knowledge are true; and all statements made on information are believed to be true.

Date: 2-9-04 By: Dave Cournoyer
Dave Cournoyer

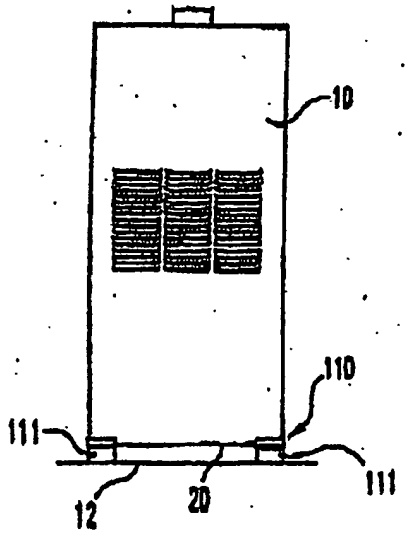
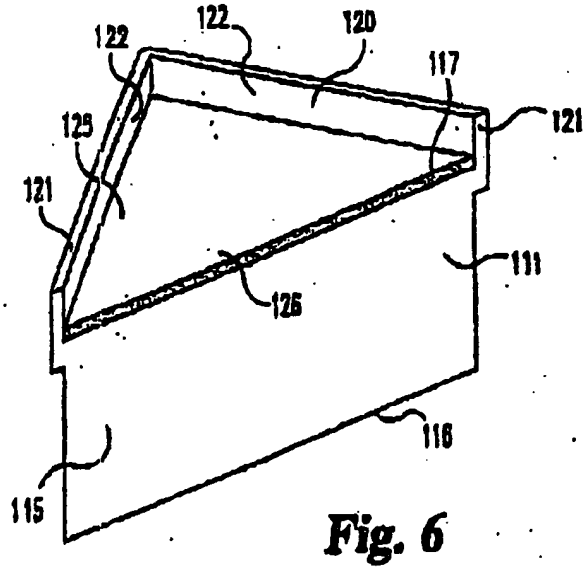


Fig. 5



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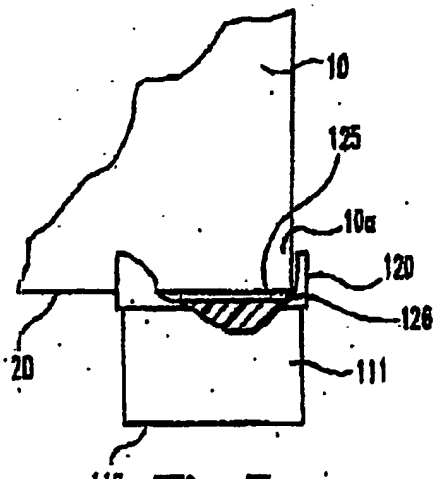
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Fig. 7

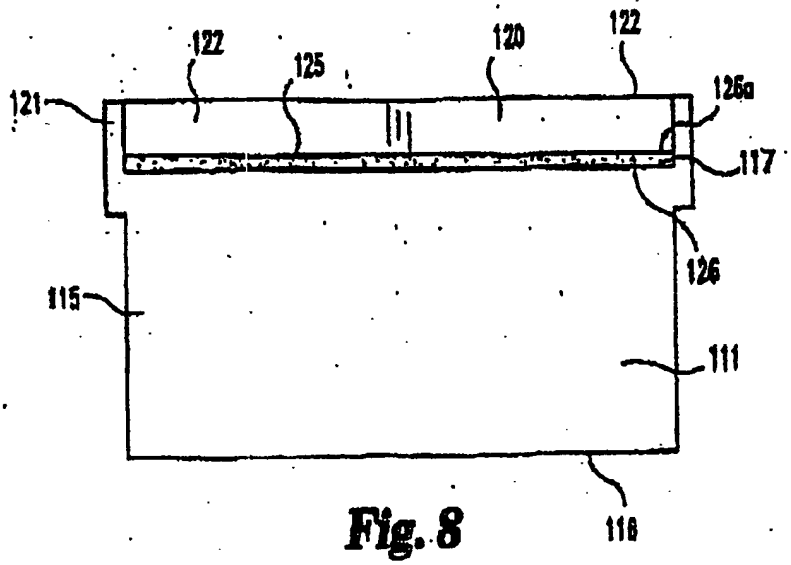
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Fig. 8

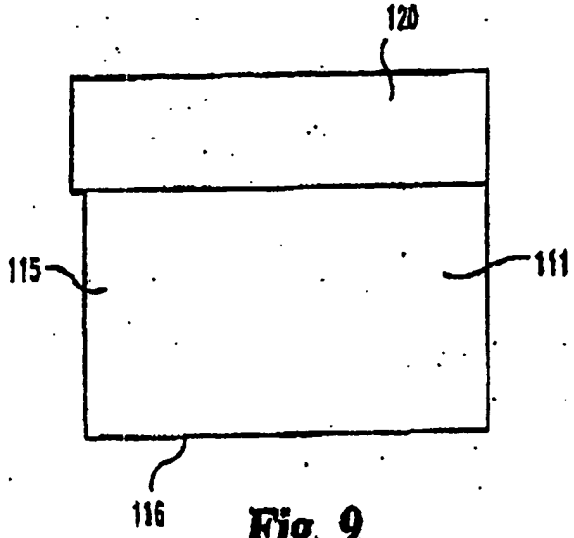

Fig. 9

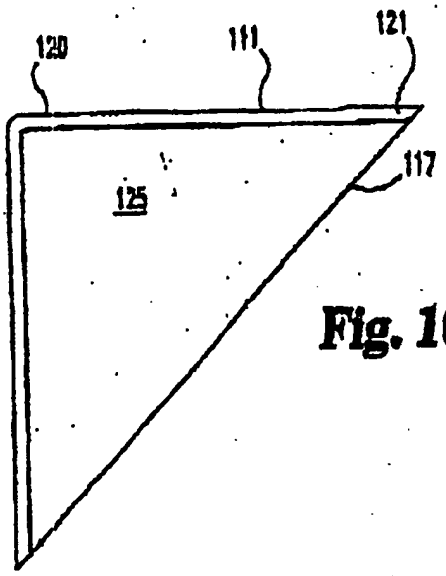

Fig. 10

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application:	Before the Examiner
Mark A. Stansbury	
Serial No. 10/669,829	Group Art Unit 3632
Filed September 24, 2003	
FURNACE MOUNT AND METHOD OF INSTALLATION	Our Ref.: 27028-5

DECLARATION OF

I, Ron Jackson, hereby swear and affirm as follows:

1. I am President of Jackson Systems, Indianapolis, IN. Our business is the manufacturing and wholesale distribution of heating, ventilation and air conditioning products. As part of this work we manufacture and sell furnace ventilation equipment and thermostats, and we purchase and re-sale NSA Products Furnace Mounting Blocks. It is important to note that I am an inventor and entrepreneur who have numerous patents issued on some of the products we manufacture at Jackson Systems for this industry and I recognize the intellection property and unique inventiveness of the NSA Products' Furnace Mounting Block.

2. In particular, our company has purchased and re-sold the NSA Products, Inc. Furnace Mounting Blocks. Such Furnace Mounting Blocks are the type generally illustrated in the drawings labeled Figs. 5-10 and attached here as Exhibit A.

3. Prior to NSA Products' furnace mounting block, I had never seen a light-weight furnace mounting block system of this type for elevating the furnace from the floor.

4. I consider the Furnace Mounting Block of NSA Products to be a fabulous invention. The Furnace Mounting Block system as compared to previous techniques, such as utilizing masonry blocks to hold the furnace off of the floor, leads to a significantly enhanced installation. The Furnace Mounting Block also improves the quality of the installer's work day by eliminating the need to carry heavy masonry blocks to the job site and affording in many jobs the option to slide the furnace into position while seated on the furnace mounting blocks. When using masonry blocks the furnace and masonry blocks move separately when the furnace is adjusted into place. With the NSA Furnace Mounting Blocks the blocks and the furnace move together as one unit. Thereby, providing an installation time saving of about fifteen minutes for many installations.

5. In my experience, prior to NSA Products' Furnace Mounting Blocks, utilization of masonry blocks to install a furnace was a given – it was just the way it was done.

6. NSA Products' Furnace Mounting Block provides a simple but powerful solution to the problems associated with mounting furnaces above the floor. Because of the many benefits associated with the product, our company has adopted the Furnace Mounting Blocks as our recommended preferred means for mechanical service contractors to mount furnaces above the floor.

7. Other than being a satisfied customer, I have no financial interest in NSA Products or its patent application.

8. I, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001, declare

that the facts set forth in the Declaration are true; all statements made of my own knowledge are true; and all statements made on information are believed to be true.

Date: 2-9-04 By: Ronald E Jackson

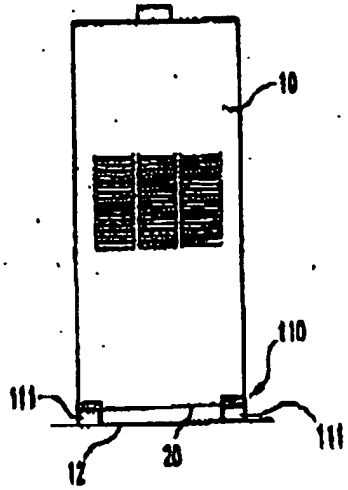

Fig. 5

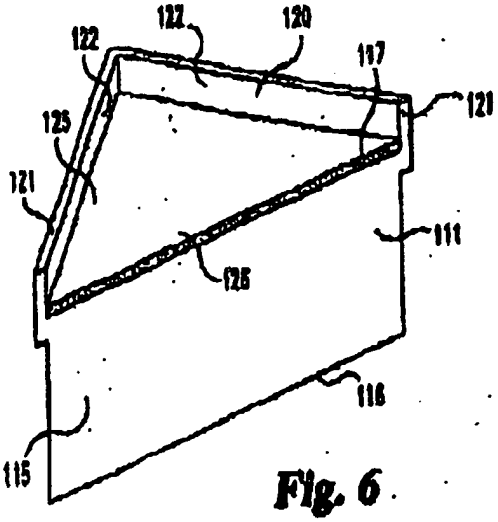

Fig. 6

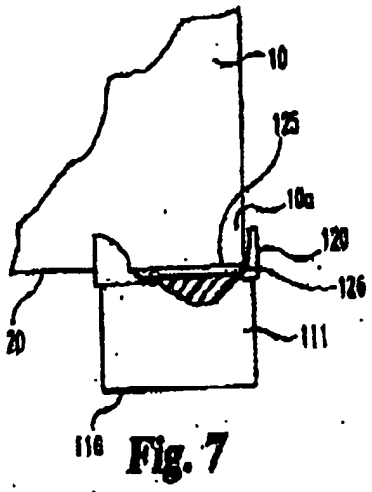
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Fig. 7

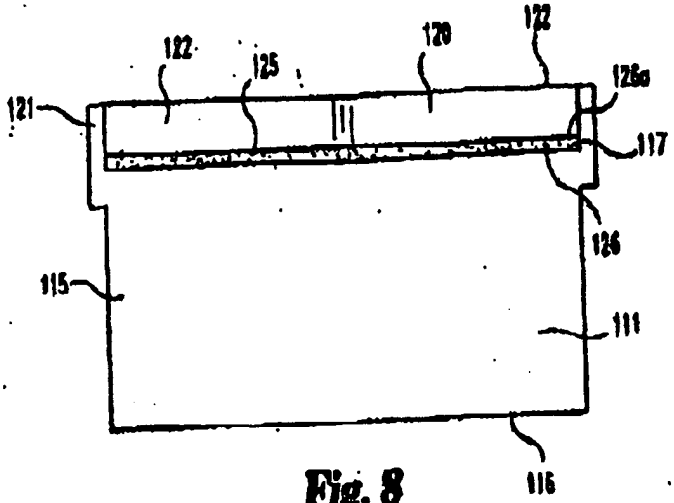
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Fig. 8

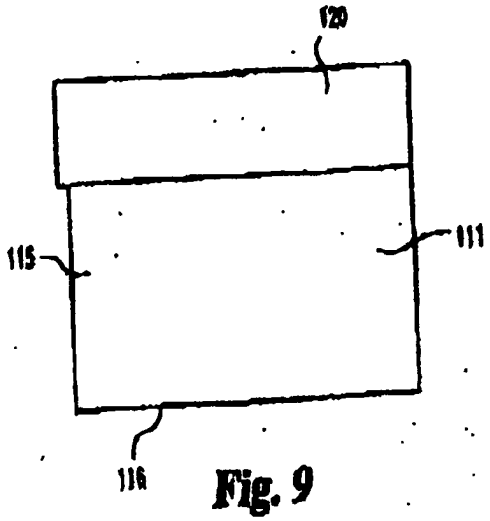

Fig. 9

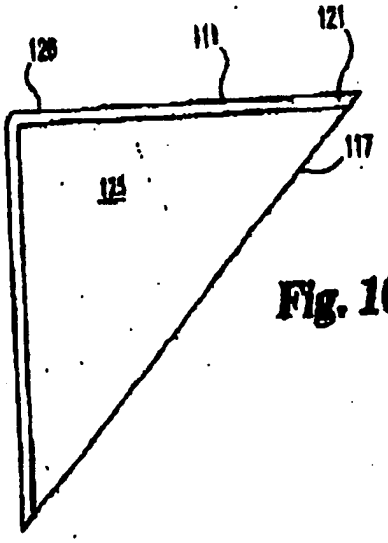

Fig. 10

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application:	Before the Examiner
Mark A. Stansbury	
Serial No. 10/669,829	Group Art Unit 3632
Filed September 24, 2003	
FURNACE MOUNT AND METHOD OF INSTALLATION	Our Ref.: 27028-5

DECLARATION OF

I, Stephen Hutchens hereby swear and affirm as follows:

1. I am Owner (title)
Indianapolis In. 46228 (location)
Our business is Sett Contractors Fur... As part of this work we Install Furnaces & Air Cond.

2. In particular, our company has purchased and used the NSA Products, Inc. Furnace Mounting Blocks. Such Furnace Mounting Blocks are the type generally illustrated in the drawings labeled Figs. 5-10 and attached here as Exhibit A.

3. Prior to NSA Products' furnace mounting block, I had never seen a light-weight furnace mounting block system of this type for elevating the furnace from the floor.

4. I consider the Furnace Mounting Block of NSA Products to be a fabulous invention. The Furnace Mounting Block system as compared to previous techniques, such as utilizing masonry blocks to hold the furnace off of the floor, leads to a significantly enhanced installation. The Furnace Mounting Block also

improves the quality of the installer's work day by eliminating the need to carry heavy masonry blocks to the job site and affording in many jobs the option to slide the furnace into position while seated on the furnace mounting blocks. When using masonry blocks the furnace and masonry blocks move separately when the furnace is adjusted into place. With the NSA Furnace Mounting Blocks the blocks and the furnace move together as one unit. Thereby, providing an installation time saving of about fifteen minutes for many installations.

5. In my experience, prior to NSA Products' Furnace Mounting Blocks, utilization of masonry blocks to install a furnace was a given – it was just the way it was done.

6. NSA Products' Furnace Mounting Block provides a simple but powerful solution to the problems associated with mounting furnaces above the floor. Because of the many benefits associated with the product, our company has adopted the Furnace Mounting Blocks as our preferred means for mounting furnaces above the floor.

7. Other than being a satisfied customer, I have no financial interest in NSA Products or its patent application.

8. I, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001, declare that the facts set forth in the Declaration are true; all statements made of my own knowledge are true; and all statements made on information are believed to be true.

Date: 2-9-04 By: Stephen Kirchhoffer

Owner

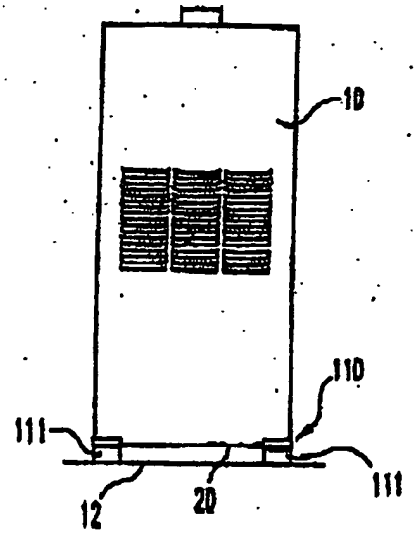

Fig. 5

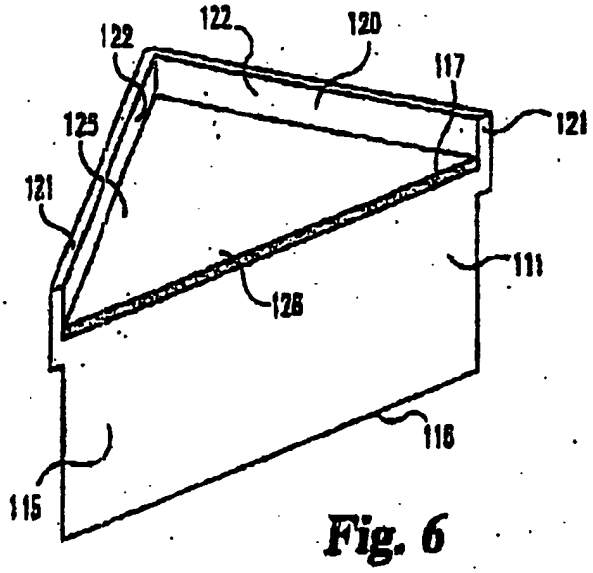

Fig. 6

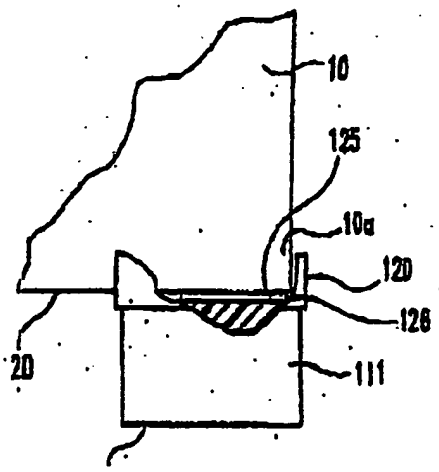
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Fig. 7

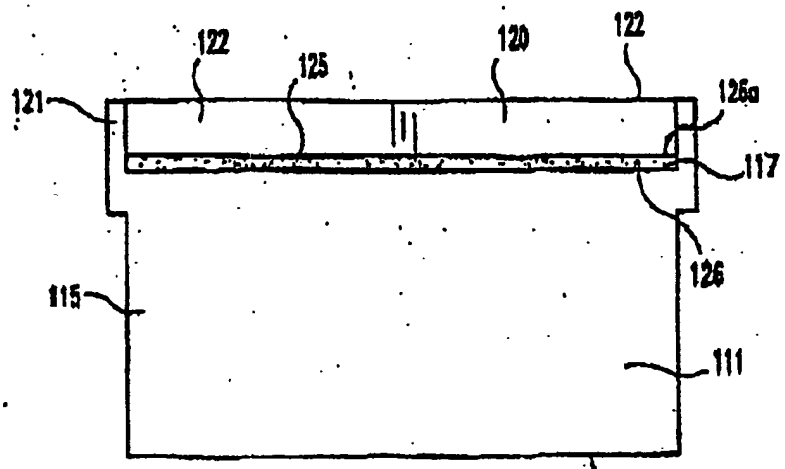
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Fig. 8

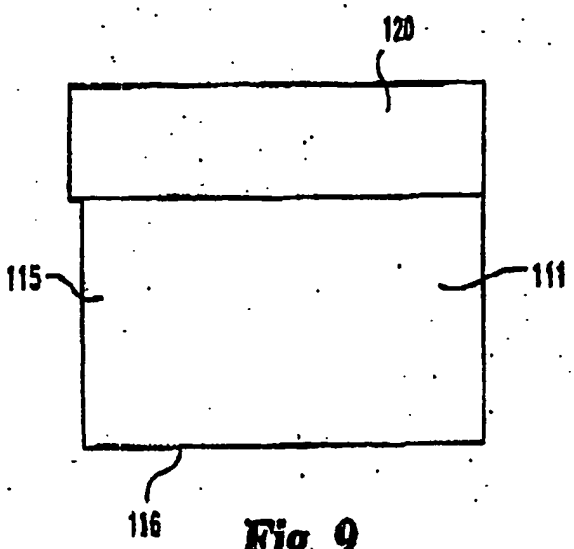

Fig. 9

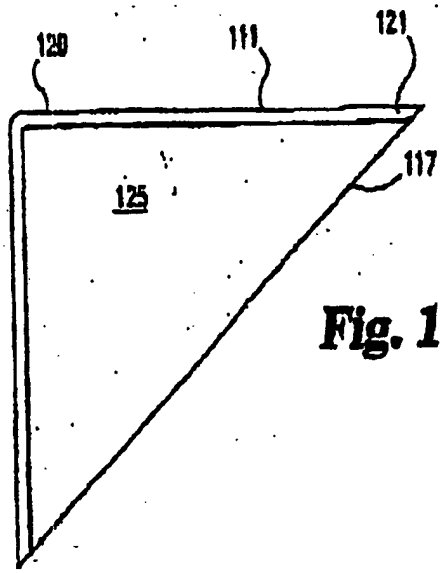

Fig. 10

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application:	)
	) Before the Examiner
Mark A. Shansbury	)
	)
Serial No. 10/669,829	)
	) Group Art Unit 3632
Filed September 24, 2003	)
	)
FURNACE MOUNT AND METHOD OF INSTALLATION	) Our Ref.: 27028-5

DECLARATION OF JOHN KNIPE

I, John Knipe, hereby swear and affirm as follows:

1. I am the President of Knipe Heating and Cooling. Our business is located in Greenwood, Indiana. As part of our service, we install and replace gas furnaces.

2. In particular, our company has purchased and used the NSA Products, Inc. Furnace Mounting Blocks. Such Furnace Mounting Blocks are the type generally illustrated in the drawings labeled Figs. 5-10 and attached here as Exhibit A.

3. Prior to NSA Products' furnace mounting block, I had never seen a light-weight furnace mounting block system of this type for elevating the furnace from the floor.

4. I consider the Furnace Mounting Block of NSA Products to be a fabulous invention. The Furnace Mounting Block system as compared to previous techniques, such as utilizing masonry blocks to hold the furnace off of the floor, leads to a significantly enhanced installation. The Furnace Mounting Block also improves the quality of the installer's work day by eliminating the need to carry

heavy masonry blocks to the job site and affording in many jobs the option to slide the furnace into position while seated on the furnace mounting blocks. When using masonry blocks the furnace and masonry blocks move separately when the furnace is adjusted into place. With the NSA Furnace Mounting Blocks the blocks and the furnace move together as one unit. Thereby, providing an installation time saving of about fifteen minutes for many installations.

5. In my experience, prior to NSA Products' Furnace Mounting Blocks, utilization of masonry blocks to install a furnace was a given – it was just the way it was done.

6. NSA Products' Furnace Mounting Block provides a simple but powerful solution to the problems associated with mounting furnaces above the floor. Because of the many benefits associated with the product, our company has adopted the Furnace Mounting Blocks as our preferred means for mounting furnaces above the floor.

7. Other than being a satisfied customer, I have no financial interest in NSA Products or its patent application.

8. I, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001, declare that the facts set forth in the Declaration are true; all statements made of my own knowledge are true; and all statements made on information are believed to be true.

Date: 2-9-04 By: John Knipe
John Knipe, President

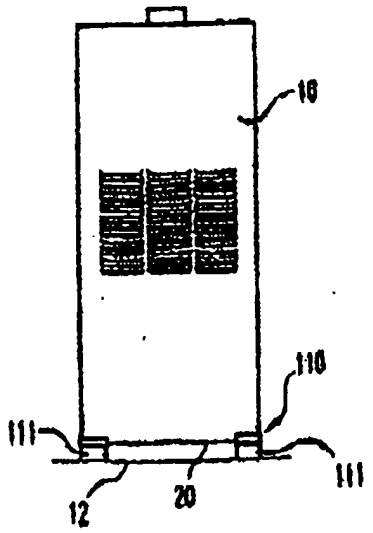

Fig. 5

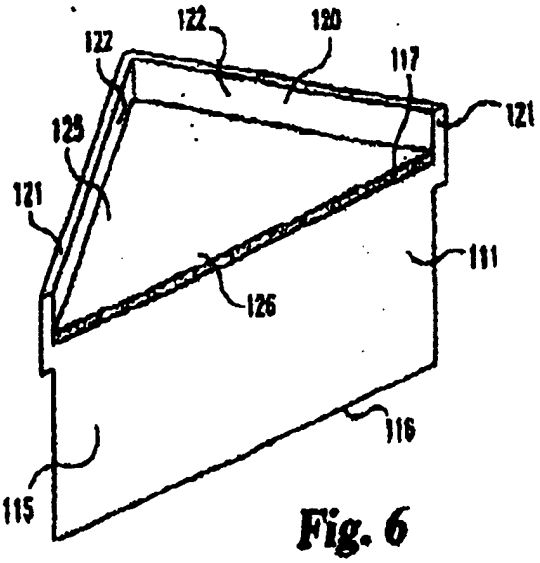

Fig. 6

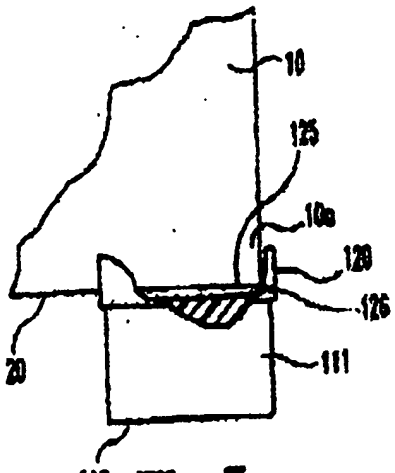

Fig. 7

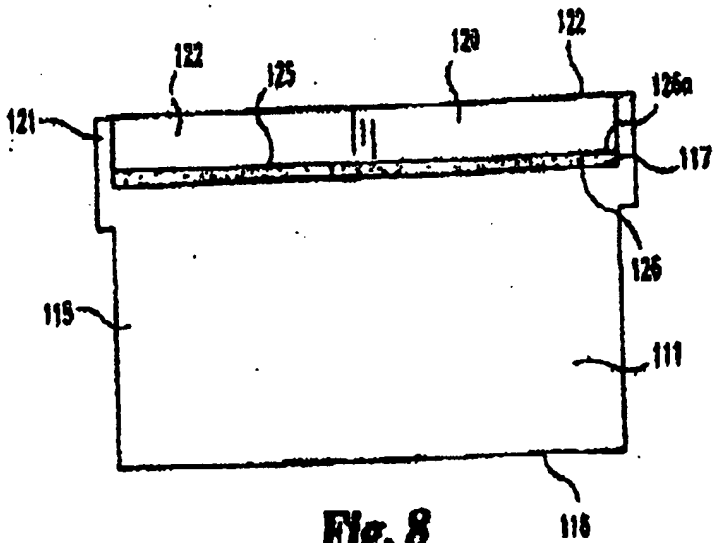

Fig. 8

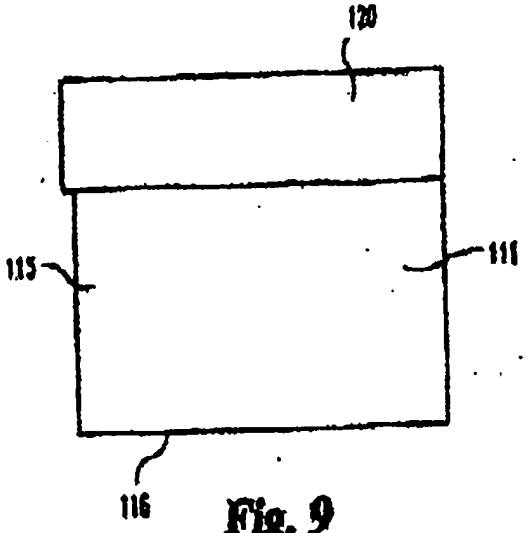

Fig. 9

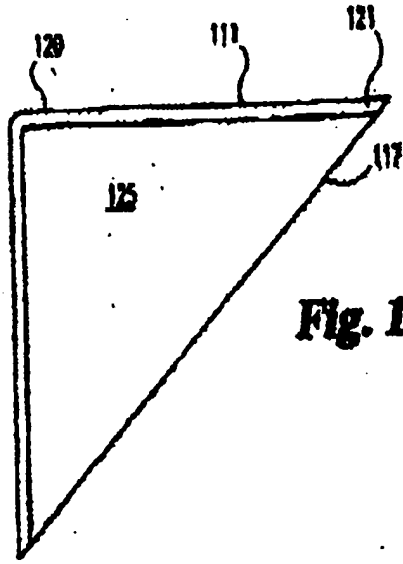

Fig. 10

JOHN KNIPE HEATING & COOLING, INC.
908 Wood Creek Place • Greenwood, IN 46142
Phone: 887-2138 • 1-800-558-6618
Providing quality HVAC service with a personal touch

FAX TRANSMITTAL

DATE: 2-9-04

TO: Mark

FROM: JK

RE:

PAGES (including cover page): 6

COMMENTS:

(1)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application:	)
	) Before the Examiner
Mark A. Stansbury	)
	)
Serial No. 10/669,129	)
	) Group Art Unit 3632
Filed September 24, 2003	)
	)
FURNACE MOUNT AND METHOD OF INSTALLATION	) Our Ref.: 27028-5

DECLARATION OF GENE LEE

I, Gene Lee, hereby swear and affirm as follows:

1. I am the owner of Lee's Refrigeration in Seward, Nebraska. Our business activities include the installation and replacement of gas furnaces.

2. In particular, our company has purchased and used the NSA Products, Inc. Furnace Mounting Blocks. Such Furnace Mounting Blocks are the type generally illustrated in the drawings labeled Figs. 5-10 and attached here as Exhibit A.

3. Prior to NSA Products' furnace mounting block, I had never seen a light-weight furnace mounting block system of this type for elevating the furnace from the floor.

4. I consider the Furnace Mounting Block of NSA Products to be a fabulous invention. The Furnace Mounting Block system as compared to previous techniques, such as utilizing masonry blocks to hold the furnace off of the floor, leads to a significantly enhanced installation. The Furnace Mounting Block also improves the quality of the installer's work day by eliminating the need to carry heavy masonry blocks to the job site and affording in many jobs the option to

slide the furnace into position while seated on the furnace mounting blocks. When using masonry blocks the furnace and masonry blocks move separately when the furnace is adjusted into place. With the NSA Furnace Mounting Blocks the blocks and the furnace move together as one unit. Thereby, providing an installation time saving of about fifteen minutes for many installations.

5. In my experience, prior to NSA Products' Furnace Mounting Blocks, utilization of masonry blocks to install a furnace was a given – it was just the way it was done.

6. NSA Products' Furnace Mounting Block provides a simple but powerful solution to the problems associated with mounting furnaces above the floor. Because of the many benefits associated with the product, our company has adopted the Furnace Mounting Blocks as our preferred means for mounting furnaces above the floor.

7. Other than being a satisfied customer, I have no financial interest in NSA Products or its patent application.

8. I, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001, declare that the facts set forth in the Declaration are true; all statements made of my own knowledge are true; and all statements made on information are believed to be true.

Date: 7/7/04 By: _____
Gene Lee

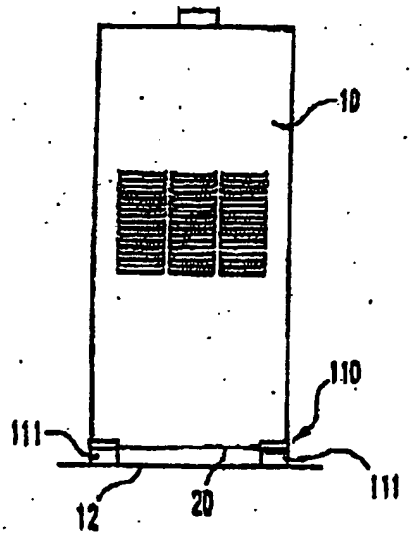

Fig. 5

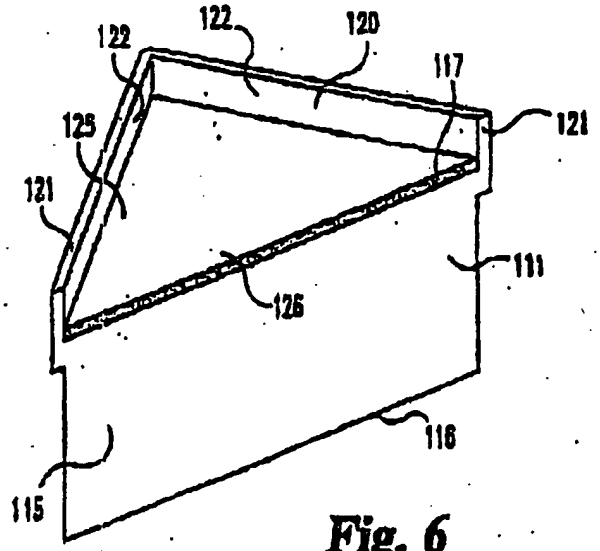

Fig. 6

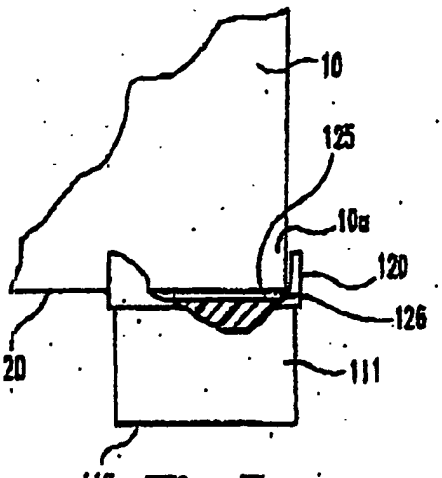
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Fig. 7

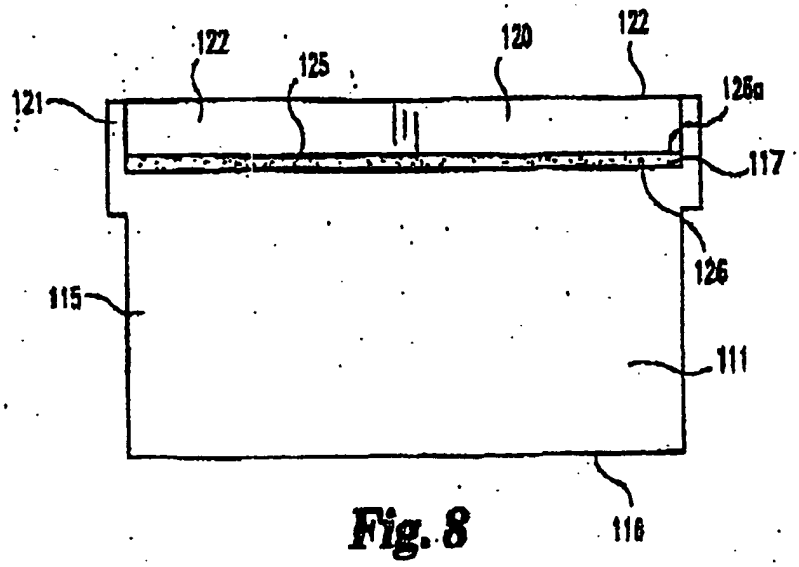
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Fig. 8

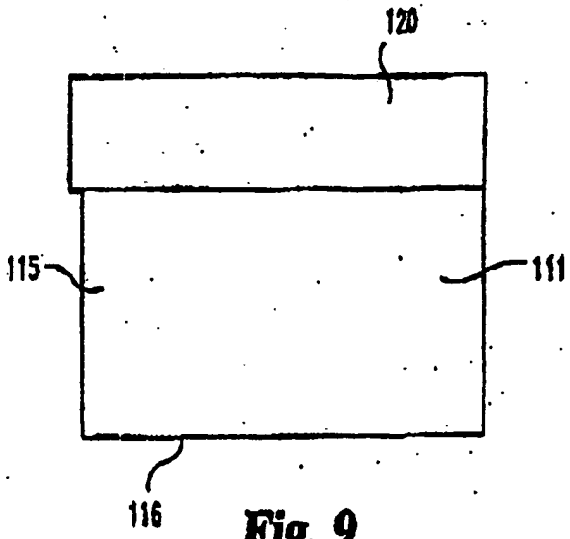

Fig. 9

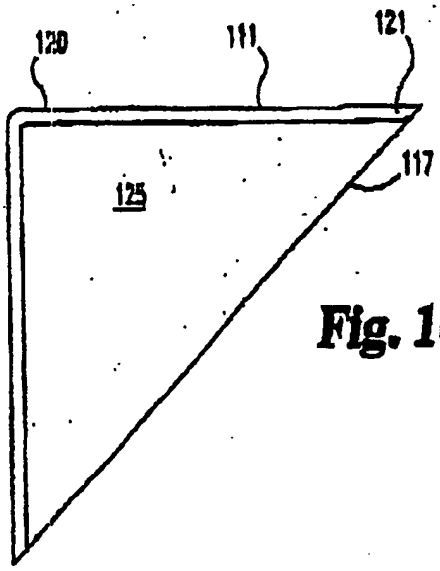

Fig. 10

(I)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application:	
Mark A. Stansbury	Before the Examiner
Serial No. 10/669,829	
Filed September 24, 2003	Group Art Unit 3632
FURNACE MOUNT AND METHOD OF INSTALLATION	Our Ref.: 27028-5

DECLARATION OF RICK ELSTON

I, Rick Elston, hereby swear and affirm as follows:

1. I am the owner of Rick's Heating & Air Conditioning. My business is located in Paulding Ohio. Our business installs and replaces gas furnaces.

2. In particular, our company has purchased and used the NSA Products, Inc. Furnace Mounting Blocks. Such Furnace Mounting Blocks are the type generally illustrated in the drawings labeled Figs. 5-10 and attached here as Exhibit A.

3. Prior to NSA Products' furnace mounting block, I had never seen a light-weight furnace mounting block system of this type for elevating the furnace from the floor.

4. I consider the Furnace Mounting Block of NSA Products to be a fabulous invention. The Furnace Mounting Block system as compared to previous techniques, such as utilizing masonry blocks to hold the furnace off of the floor, leads to a significantly enhanced installation. The Furnace Mounting Block also improves the quality of the installer's work day by eliminating the need to carry heavy masonry blocks to the job site and affording in many jobs the option to

slide the furnace into position while seated on the furnace mounting blocks. When using masonry blocks the furnace and masonry blocks move separately when the furnace is adjusted into place. With the NSA Furnace Mounting Blocks the blocks and the furnace move together as one unit. Thereby, providing an installation time saving of about fifteen minutes for many installations.

5. In my experience, prior to NSA Products' Furnace Mounting Blocks, utilization of masonry blocks to install a furnace was a given – it was just the way it was done.

6. NSA Products' Furnace Mounting Block provides a simple but powerful solution to the problems associated with mounting furnaces above the floor. Because of the many benefits associated with the product, our company has adopted the Furnace Mounting Blocks as our preferred means for mounting furnaces above the floor.

7. Other than being a satisfied customer, I have no financial interest in NSA Products or its patent application.

8. I, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001, declare that the facts set forth in the Declaration are true; all statements made of my own knowledge are true; and all statements made on information are believed to be true.

Date: 2-9-04 By: Rick Elston
Rick Elston

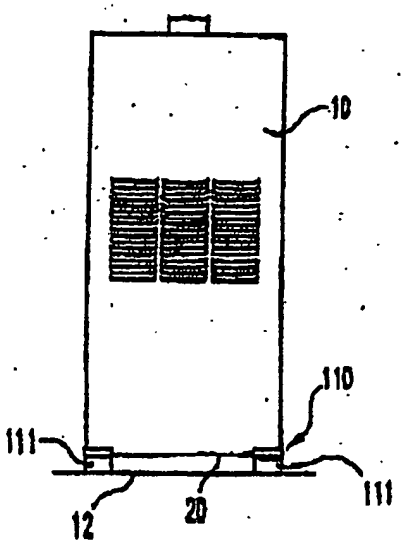

Fig. 5

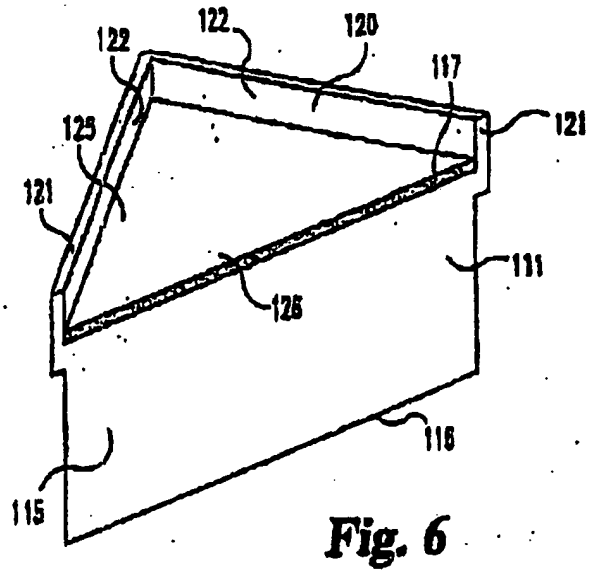

Fig. 6

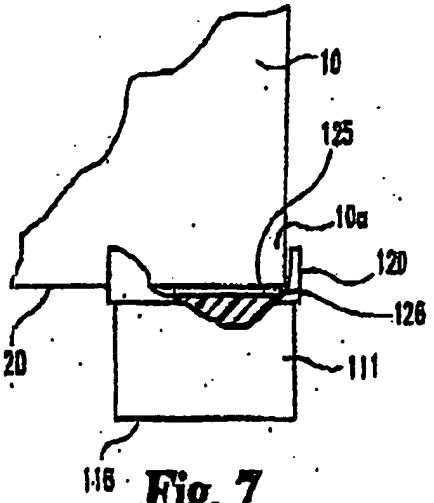
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Fig. 7

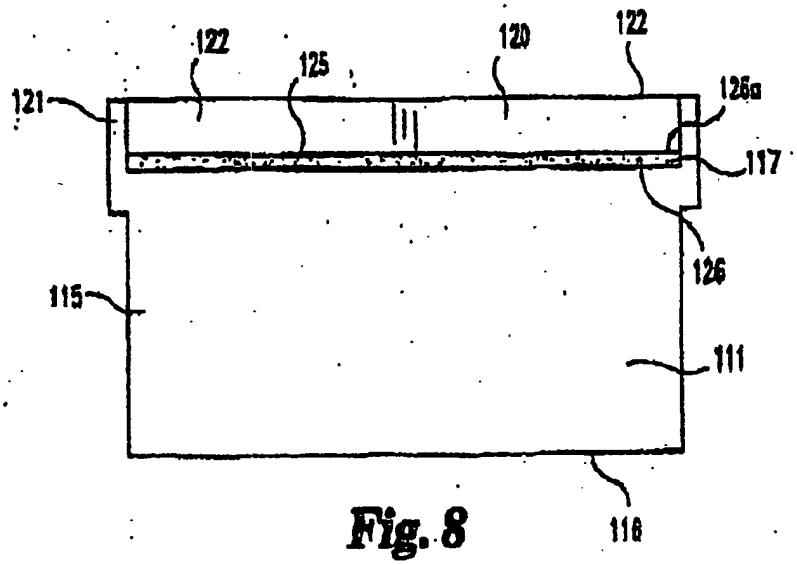
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Fig. 8

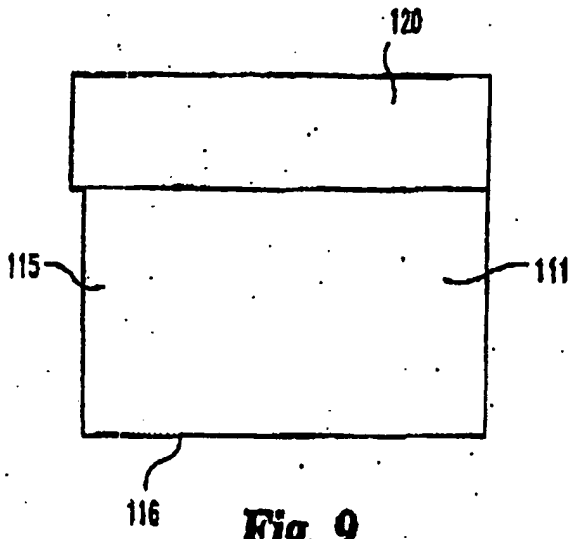

Fig. 9

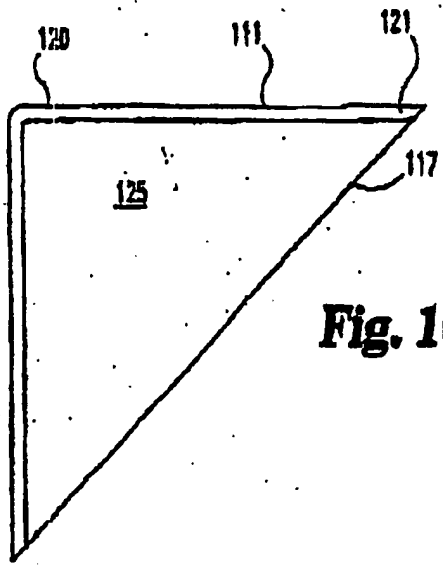

Fig. 10

(1)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application:	Before the Examiner
Mark A. Stansbury	
Serial No. 10/669,829	Group Art Unit 3632
Filed September 24, 2003	
FURNACE MOUNT AND METHOD OF INSTALLATION	Our Ref.: 27028-5

DECLARATION OF JEFF MALONE

I, Jeff Malone, hereby swear and affirm as follows:

1. I am the President of Temperature Control Specialties, Inc. of Indianapolis, Indiana. As part of our services, we install and replace upflow furnaces.

2. In particular, our company has purchased and used the NSA Products, Inc. Furnace Mounting Blocks. Such Furnace Mounting Blocks are the type generally illustrated in the drawings labeled Figs. 5-10 and attached here as Exhibit A.

3. Prior to NSA Products' furnace mounting block, I had never seen a light-weight furnace mounting block system of this type for elevating the furnace from the floor.

4. I consider the Furnace Mounting Block of NSA Products to be a fabulous invention. The Furnace Mounting Block system as compared to previous techniques, such as utilizing masonry blocks to hold the furnace off of the floor, leads to a significantly enhanced installation. The Furnace Mounting Block also improves the quality of the installer's work day by eliminating the need to carry

heavy masonry blocks to the job site and affording in many jobs the option to slide the furnace into position while seated on the furnace mounting blocks. When using masonry blocks the furnace and masonry blocks move separately when the furnace is adjusted into place. With the NSA Furnace Mounting Blocks the blocks and the furnace move together as one unit. Thereby, providing an installation time saving of about fifteen minutes for many installations.

5. In my experience, prior to NSA Products' Furnace Mounting Blocks, utilization of masonry blocks to install a furnace was a given – it was just the way it was done.

6. NSA Products' Furnace Mounting Block provides a simple but powerful solution to the problems associated with mounting furnaces above the floor. Because of the many benefits associated with the product, our company has adopted the Furnace Mounting Blocks as our preferred means for mounting furnaces above the floor.

7. Other than being a satisfied customer, I have no financial interest in NSA Products or its patent application.

8. I, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001, declare that the facts set forth in the Declaration are true; all statements made of my own knowledge are true; and all statements made on information are believed to be true.

Date: 2/9/04 By: _____
Jeff Malone, President

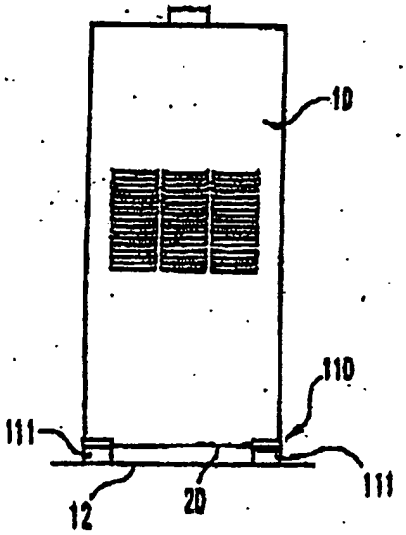

Fig. 5

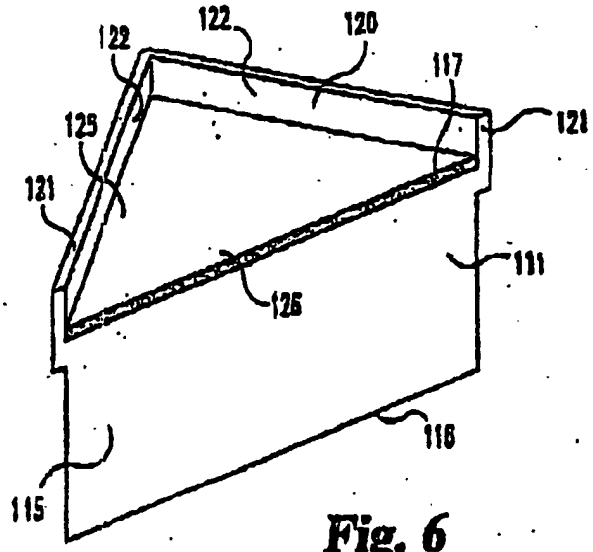

Fig. 6

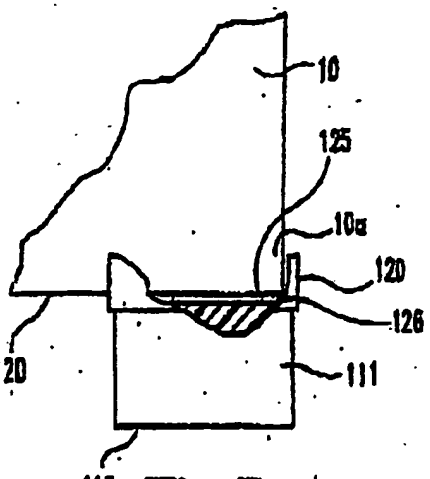
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Fig. 7

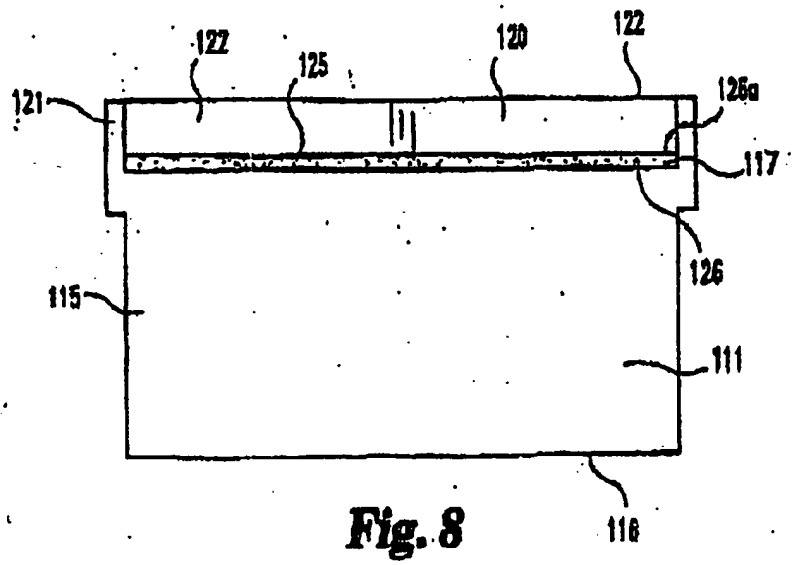
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Fig. 8

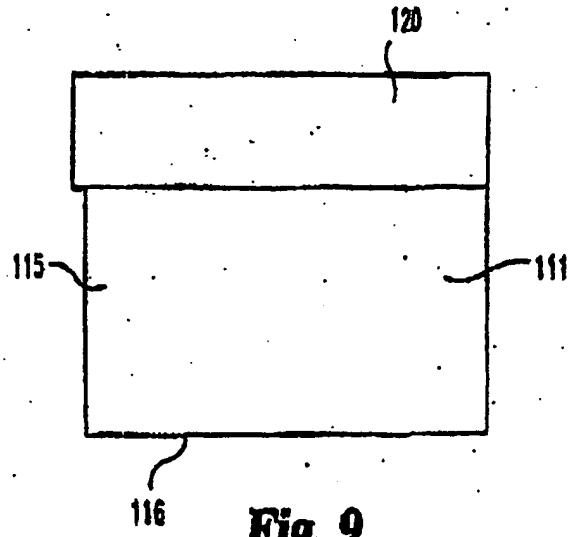


Fig. 9

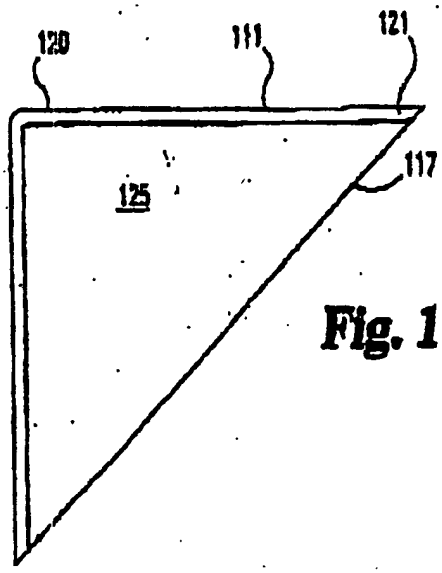


Fig. 10

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application:	)
	) Before the Examiner
Mark A. Stansbury	) Naschica Sanders Morrison
	)
Serial No. 10/669,829	) Group Art Unit 3632
	)
Filed September 24, 2003	) Via Hand Delivery
	)
FURNACE MOUNT AND METHOD	)
OF INSTALLATION	) February 11, 2004

RECEIPT OF HAND DELIVERY OF
DECLARATION UNDER 37 C.F.R. §1.132 OF WALTER R. KEY

The undersigned representative from Group Art Unit 3632 has received by hand delivery on February 11, 2004, a Declaration under 37 C.F.R. §1.132 of Walter R. Key. Acknowledgement by the United States Patent Office representative is set forth below.

Date: 2/11/04 Signature: [signature]

Printed Name: NASCHICA MORRISON

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:	)
Mark A. Stansbury	) Before the Examiner
	) Naschica Sanders Morrison
	)
Serial No. 10/669,829	)
	) Group Art Unit 3632
Filed September 24, 2003	)
	)
FURNACE MOUNT AND	)
METHOD OF INSTALLATION	)

DECLARATION UNDER 37 C.F.R. §1.132

I, Walter R. Key, hereby declare as follows:

1. I am the Managing Member of NSA LLC, which is the successor in interest of NSA Corporation (hereinafter NSA). NSA is the assignee of U. S. Patent Application No. 10/669,829 (hereinafter "STANSBURY APPLICATION") that is a continuation of U. S. Patent Application No. 09/941,524 attached as Exhibit A. I have about fourteen years of experience in running companies related to the development and/or manufacture and/or sale and/or servicing of heating and air conditioning products.

2. Mark A. Stansbury, the inventor in the STANSBURY APPLICATION, has been in the business of selling and/or servicing heating and air conditioning systems for about thirty-one years. Mr. Stansbury appreciated that there was a need for an improved system for mounting furnaces. This appreciation of a long-felt but unmet need led to the inspiration for the Furnace Mounting Blocks and system set forth in the STANSBURY APPLICATION.

3. NSA the assignee of the STANSBURY APPLICATION was founded on or about August 1, 2001, to commercialize the Furnace Mounting Blocks associated with the STANSBURY APPLICATION. The Furnace Mounting Blocks commercialized by NSA are shown in an early advertisement in Exhibit B and further set forth in drawings

5-10 of the STANSBURY APPLICATION. The undersigned wishes to clarify that the vibration-absorbing pad is now an elastomeric material.

4. During the 2001 calendar year, the Furnace Mounting Blocks were introduced to the market by NSA. At least fifty thousand Furnace Mounting Blocks were sold during the 2001 calendar year through heating and air conditioning wholesalers throughout the United States. Various manufacturers' representatives promoted the Furnace Mounting Blocks product for NSA by calling on wholesalers in the United States. These manufacturers' representatives primarily called on wholesalers located in the Midwest region of the United States. No extraordinary efforts were made by NSA to market or promote the sale of the Furnace Mounting Blocks shown in an early advertisement in Exhibit B and further set forth in drawings 5-10 of the STANSBURY APPLICATION.

5. During the 2002 calendar year, Bramec Corporation of South Dakota entered into an exclusive licensing agreement with NSA to manufacture and distribute the Furnace Mounting Blocks set forth in Exhibit B and in drawings 5-10 of the STANSBURY APPLICATION. Bramec Corporation is a master distributor and manufacturer of products for the air conditioning, heating, plumbing, and refrigeration industries. It is generally recognized that Bramec Corporation is one of the major players in this industry. During the 2002 calendar year, the commercialization of the Furnace Mounting Blocks by NSA and under the license agreement with Bramec Corporation resulted in sales of about 129,000 Furnace Mounting Blocks.

6. During the 2003 calendar year, Bramec Corporation under the exclusive licensing agreement with NSA manufactured and distributed the Furnace Mounting Blocks set forth in Exhibit B and in drawings 5-10 of the STANSBURY APPLICATION. During the 2003 calendar year, the commercialization of the licensed Furnace Mounting Blocks by Bramec Corporation resulted in sales of about 174,000 Furnace Mounting Blocks.

7. NSA spent less than $12,000 on advertising for the Furnace Mounting Blocks for the years 2001 and 2002 combined. The advertising included the preparation, printing and mailing of a mass mailing to wholesalers, an advertisement in a quarterly HVACR

Distribution News, and two advertisements in an Indiana Contractors Magazine. NSA has spent no further on advertising the Furnace Mounting Block.

8. Bramec Corporation has posted the Furnace Mounting Block on their Web site and distributed a relatively small number of samples to various wholesalers within the United States. The undersigned is unaware of any further substantial advertising activity by Bramec Corporation.

9. The sales volume of the Furnace Mounting Blocks during the introductory 2001 calendar year by NSA, the industry recognition exhibited by Bramec Corporation seeking and entering into a license agreement with NSA, and the ensuing sales volume during calendar year 2002 by NSA and Bramec Corporation of the licensed product support that a significant need is being satisfied by the Furnace Mounting Blocks. The continued growth in sales volume during calendar year 2003 by Bramec Corporation is further evidence that this product is satisfying a significant need.

10. The sales volumes reflected herein are for Furnace Mounting Blocks that were sold by themselves and were not packaged with other products. The Furnace Mounting Blocks are not packaged or combined with other products in a package deal. The sales volumes do not include any sales to affiliates or related companies.

11. The undersigned has included herewith in Exhibit C the Declarations of independent parties as to their opinion of the Furnace Mounting Block and the many benefits associated with the items. Each of the Declarants is not employed by and/or does not have any financial interest in NSA, Bramec Corporation, the Furnace Mounting Blocks invention and/or the STANSBURY APPLICATION.

12. NSA's only business relationship with Bramec Corporation is the exclusive license agreement that the Furnace Mounting Blocks are made and sold under. NSA and/or its principals have no other business relationship with Bramec Corporation.

13. I am familiar with U. S. Patents and have performed a careful review of the STANSBURY APPLICATION and the Furnace Mounting Blocks as exhibited in Exhibit B and set forth in the text and figure 5-10 of the STANSBURY APPLICAATION. As set forth above the undersigned wishes to clarify that the vibration-absorbing pad is now an elastomeric material. It is my opinion that the commercialized Furnace Mounting Blocks and related systems are covered by one or more claims, including at least claims 15-17 and 19-25.

14. The undersigned, being hereby warned that willful false statements or the like so made are punishable by fine or imprisonment or both, under 18 U.S.C. §1001, and that willful false statements may jeopardize the validity of the application or any patent issuing thereon, declares that the facts set forth in this declaration are true, all statement made of his own knowledge are true, and all statements made on information or belief are believed to be true.

Walter R Key

Walter R. Key

2/10/04

Date

EXHIBIT A

Express Mail Label No.: EL271152248US

FURNACE MOUNT AND METHOD OF INSTALLATION

The present application claims the benefit of United States Provisional Application No. 60/264,955 filed January 30, 2001 and incorporated herein by reference.

BACKGROUND OF THE INVENTION

The present invention relates generally to a method and apparatus for supporting a furnace. More particularly, the present invention has one form wherein a plurality of furnace mounting blocks are adhered to the bottom of the furnace and maintain the furnace in a position off of the floor.

It is well known that furnaces are conventionally utilized to deliver heated air through a furnace duct system to heat registers located throughout the house. The furnaces are generally raised off of the floor to avoid being exposed to moisture and the associated rusting of the furnace cabinet. In one prior technique of raising the furnace off the floor, the installation technicians have utilized masonry blocks which are slid under the furnace and function to raise the furnace above the floor's surface. The prior technique does not provide for any vibration dampening between the furnace cabinet and the masonry block holding the furnace above the floor. Therefore, the vibration and noise is transmitted from the cabinet to the floor. Further, the masonry blocks are physically heavy and do not allow for the sliding into place of the furnace while seated on the masonry blocks.

Heretofore, there has been a need for a lightweight furnace mounting block system for elevating the furnace from the floor and minimizing the transmission of vibration and noise. The

means for satisfying this need has escaped those skilled in the art. The present invention satisfies this need in a novel and unobvious way.

SUMMARY OF THE INVENTION

One form of the present invention contemplates a mount for supporting a furnace above the floor. The mount comprising: a main body member having a first surface adapted to engage the floor and a second surface spaced from the first surface and adapted to support the furnace above the floor; and, an adherent component connected with the main body member and located proximate the second surface, the adherent component including an adhesive surface adapted to engage and couple the main body member with the furnace.

Another form of the present invention contemplates a mount for supporting a furnace above the floor, comprising: a substantially rigid main body member having a first surface adapted to engage the floor and a second surface spaced from the first surface and adapted to support the furnace above the floor; a vibration dampening component positioned on and connected with the second surface, the vibration dampening component having an outer adhesive surface adapted to engage and couple the main body member with the furnace; and, wherein the main body member has a locating portion extending from the second surface to abut an outer surface of the furnace and position the second surface relative to the furnace.

Yet another form of the present invention contemplates a combination, comprising: a furnace; and, a plurality of furnace mounts adapted to hold the furnace above a floor, each of the plurality of mounts comprising: a substantially rigid main body member having a first surface adapted to engage the floor and a second surface spaced from the first surface and adapted to support the furnace above the floor; a vibration dampening component positioned on and connected with the second surface, the vibration dampening component having an outer adhesive surface adapted to engage and couple the main body member with the furnace; and wherein the

main body member has a locating portion extending from the second surface to abut an outer surface of the furnace and position the second surface relative to the furnace.

In yet another form of the present invention there is contemplated a method for supporting a furnace above the floor. The method, comprising: providing a furnace mounting block having an adhesive surface and a locating feature; lifting the furnace to place at least a portion of a bottom surface of the furnace off of the floor; positioning the furnace mounting block adjacent the bottom surface of the furnace and abutting the locating feature against an outer surface of the furnace; and, adhering the adhesive surface to the bottom surface of the furnace.

One object of the present invention is to provide a unique furnace mounting system.

Related objects and advantages of the present invention will be apparent from the following description.

BRIEF DESCRIPTION OF THE DRAWINGS

Fig. 1 is an end view of a typical furnace positioned on one embodiment of the furnace mounting blocks of the present invention.

Fig. 2 is a side elevational view of the furnace positioned on the furnace mounting blocks of Fig.1.

Fig. 3 is a side elevational view of a typical furnace positioned on an alternative embodiment of the furnace mounting blocks of the present invention.

Fig. 4 is an enlarged partial view of Fig. 1, comprising the furnace coupled with the furnace mounting blocks.

Fig. 5 is an end view of a typical furnace mounted on another embodiment of the furnace mounting blocks of the present invention.

Fig. 6 is a perspective view of the furnace mounting block comprising a portion of Fig. 5.

Fig. 7 is an enlarged partially fragmented view of Fig. 5 showing the coupling of the furnace mounting block to the furnace.

Fig. 8 is a front elevational view of the furnace mounting block of Fig. 6.

Fig. 9 is a side elevational view of the furnace mounting block of Fig. 6.

Fig. 10 is a top plan view of the furnace mounting block of Fig. 6.

DESCRIPTION OF THE PREFERRED EMBODIMENTS

For the purposes of promoting an understanding of the principles of the invention, reference will now be made to the embodiments illustrated in the drawings and specific language will be used to describe the same. It will nevertheless be understood that no limitation of the scope of the invention is thereby intended, such alterations and further modifications in the illustrated device, and such further applications of the principles of the invention as illustrated therein being contemplated as would normally occur to one skilled in the art to which the invention relates.

With reference to Fig. 1, there is illustrated a front view of a typical upflow furnace 10 located on one embodiment of a furnace installation system 11 of the present invention. The furnace installation system 11 is adapted to elevate the furnace 10 from a floor 12. While the present invention will be described with reference to an upflow furnace, it should be understood by one of ordinary skill in the art that the furnace installation system 11 could be utilized with other types of furnaces and air conditioning equipment.

With reference to Fig. 2, there is illustrated a side view of the furnace 10 positioned on the furnace installation system 11. In one embodiment of the present invention the furnace installation system 11 includes a pair of spaced members 13 that are positioned between the bottom surface 20 of the furnace and the floor 12. With reference to Fig. 3, there is illustrated a side view of the furnace 10 positioned on another embodiment of the furnace installation system 21. The furnace installation system 21 includes a member 14 located proximate each of the four corners of the furnace 10. It is contemplated herein that other embodiments of the furnace installation system can contain other quantities of members having different lengths and geometric configurations.

With reference to Fig. 4, there is illustrated an enlarged end view of one of the members 13 forming a portion of the furnace installation system 11. The furnace installation system will be described with regards to the installation system 11, however it is understood that it is equally applicable to the other systems contemplated herein. The member 13 includes a floor elevation body member portion 15 and an upstanding attachment member portion 16. The floor elevation body member can be formed as a solid member, a hollow member or other forms provided it has the structural integrity to support the load of the furnace. The member 13 can be formed as a fabricated structure from multiple pieces of material or can be integrally formed as one piece. In one form the member 13 is formed by welding a metal floor elevation body member portion to the upstanding metal member attachment portion. However, in another form the member is integrally formed from a metallic material. The present invention further contemplates that the member can be formed of materials other than metal including, but not limited to, composite materials, polymeric materials, synthetic organic materials and/or plastic. In one form the member is integrally formed of a composite material, a polymeric material, a synthetic material and/or a plastic. The upstanding attachment member portion 16 is secured to the outer surface 22 of the furnace 10. In one form the upstanding attachment member portion16 is secured to the outer surface 22 by an adhesive material 17. In a preferred form, the upstanding attachment member portion 16 is secured to the outer surface 22 by double-sided tape. The adhesive material 17 can extend along the entire length of the attachment member portion 16 or can extend along only a portion of the attachment member portion 16.

The bottom surface 20 of the furnace 10 rests on a vibration dampening pad 19 that is coupled to the floor elevation body member 15. The vibration dampening pad 19 extending substantially along the upper surface 25 of the body member 15 and is adapted to dampen

vibration and noise associated with the furnace 10. In one form, an elastomeric material defines the pad member 19. The elastomeric materials can include, but are not limited to, polymeric materials and rubber.

The furnace installation system is coupled to the furnace 10 with the adhesive material 17 and the furnace cabinet rests upon the vibration dampening pads 19. The coupling of the members 13 to the furnace 10 allows for the alignment and/or movement of the furnace 10 without necessitating the repositioning of the members 13. Therefore, in one form of the present invention the furnace can be moved around to position the furnace without having to reset the members holding the furnace off the floor. The members 13 functioning to hold the furnace off of the floor, the vibration dampening pads cushion the furnace cabinet to enhance noise reduction, and the system allows the furnace to be positioned without having to reposition the members 13.

With reference to Fig. 5, there is illustrated another embodiment of the furnace installation system 110 of the present invention. As previously described for other forms of the present invention the furnace installation system elevates the bottom surface 20 of the furnace 10 from the floor 12. The furnace installation system 110 preferably includes a plurality of furnace mounting blocks 111 positioned between the floor 12 and the bottom surface 20 of the furnace 10. More preferably, the furnace installation system 110 includes one furnace mounting block 111 located at each of the four corners of the furnace 10. However, the present invention contemplates other furnace installation systems including other quantities of furnace mounting blocks 111 and the location and spacing of them around the bottom surface 20 of the furnace.

With reference to Figs. 6-11, there is illustrated one form of the furnace mounting block 111. The furnace mounting block 111 includes a main body member 115 and a surface 116

adapted for abutting the floor and another surface 117 adapted for receiving the furnace 10 thereon. In the present application the surface 117 will be considered to receive the furnace thereon if the furnace directly contacts the surface 117 or if the furnace contacts one or a series of intermediate components/materials/layers that are received on and supported by surface 117. In one form of the present invention the first surface 116 and the second surface 117 are spaced apart at least about 2 inches. However it is understood that the present invention is not limited to surfaces spaced apart by the above dimensions and other spacing are contemplated herein. Further, in one form of the present invention the surfaces 116 and 117 are substantially parallel. However, the surfaces 116 and 117 may be other than parallel and they may be contoured and non-planar to meet the specific requirements of some furnace installations.

The furnace mounting block 111 preferably includes at least one locating portion 120 that is adapted to abut the outer surface 10a of the furnace. The positioning of the locating portion 120 adjacent the outer surface 10a of the furnace 10 causes the surface 117 to be properly located and aligned with the bottom surface 20 of the furnace 10. In one form of the present invention an upstanding member 121 that extends from surface 117 defines the locating portion 120. In a preferred form of the present invention the upstanding member 121 extends substantially perpendicular from the surface 117. In a more preferred form of the present invention the locating portion 120 is defined by a pair of upstanding members 121 that are oriented perpendicular to one another and have bearing surfaces 122 adapted to abut the outer surface 10a of the furnace. The locating portion 120 is designed and constructed to mate with the corner configuration of the furnace. Those of ordinary skill in the art should understand that many furnaces do not have a totally enclosed bottom surface, rather they have a lip formed by the sheet metal furnace cabinet. The sheet metal lip generally extents perpendicular from the outer surface

10a back under the furnace about ⅝ inches, however other lip sizes are contemplated herein. The present invention is applicable with all types of furnaces whether they have a total bottom surface or a lip.

In one form of the present invention the furnace mounting block 111 includes an adherent layer/material 125 coupled with at least a portion of surface 117. The adherent layer/material 125 includes an adhesive material on an outer surface that is adapted to stick to the bottom surface 20 of the furnace 10. The adhesive material securely couples the furnace mounting block 111 with the furnace 10. In one form of the present invention the adhesive material is a double backed tape, however other material such as, but not limited to, glue are contemplated herein. In a preferred form of the present invention a layer of material that covers the substantial entire surface 117 defines the adherent layer/material 125.

In a more preferred form of the present invention a vibration dampening material 126 is located on and supported by the surface 117. The vibration dampening material 126 may form a part of the adherent layer/material 125 or be positioned between the surface 117 and the adherent layer 125. The vibration dampening material 117 provides for the dampening of vibration and noise that may be transmitted from the furnace to the furnace mounting block 111. The vibration dampening material functioning to reduce or eliminate the transmission of noise and/or vibration from the furnace. A layer located on the surface 117 preferably defines the vibration dampening material 117 and in one form has a thickness within the range of about ⅛ to about ¼ inches. However, other thicknesses are contemplated herein. Vibration dampening materials suitable for this application include, but are not limited to, an elastomeric material and/or a cork material. A vibration dampening pad having an elastomeric outer layer and a cork inner portion is also contemplated herein. In a preferred form of the present invention the vibration dampening

material is formed of cork. The vibration dampening material is preferably connected to the surface 117 and includes the adherent layer/material 125 on it's outer surface 126a. The adhesive material is preferably applied in a fashion that allows it to be substantially parallel with the surface 117. In one form of the present invention a removable layer (not illustrated) covers the adhesive material and prevents contamination of the adhesive prior to installation.

With reference to Fig. 9, there is illustrated a side view of one form of the furnace mounting block 111. The furnace mounting block 111 in Fig. 9 has the locating portion 120 extending outwardly from the rest of the main body member 115. The present invention contemplates that the locating portion 120 may be configured to have the same width as the main body member 115 and not extend outwardly therefrom. Further, the main body member is contemplated as being formed as an integral component or as a multi-part assembled structure. The main body member is preferably formed as an integral component of materials selected from a group of metals, composite materials, polymeric materials, synthetic materials and/or plastic. Preferably the main body member is formed of a polymeric material, and the material and structure can withstand the static loads associated with supporting a furnace.

The furnace mounting block 111 and furnace installation system has been described with the aid of the figures. A method of installing a furnace on the mounting blocks 111 will now be set forth. The furnace 10 is raised from the floor 20 so that at least a portion of the bottom surface 20 is clear from the floor 12. If the furnace mounting block 111 includes a protective cover over the adhesive material it must be removed before installation. The furnace mounting block with the adhesive exposed is positioned proximate the bottom surface 20 of the furnace 10. The locating portion 120 of the furnace mounting block 111 is brought into an abutting and aligning relationship with the outer surface 10a of the furnace 10. The adhesive surface is

brought into contact with the bottom surface 20 of the furnace and adhered to the furnace. The procedure is repeated for each mounting location for the furnace. In a preferred form of the present invention the locating portion 120 is brought into an abutting relationship with each corner adjacent the bottom surface of the furnace. The furnace 10 is then lowered back onto the floor and can be slid into position as desired.

While the invention has been illustrated and described in detail in the drawings and foregoing description, the same is to be considered as illustrative and not restrictive in character, it being understood that only the preferred embodiment has been shown and described and that all changes and modifications that come within the spirit of the invention are desired to be protected. It should be understood that while the use of the word preferable, preferably or preferred in the description above indicates that the feature so described may be more desirable, it nonetheless may not be necessary and embodiments lacking the same may be contemplated as within the scope of the invention, that scope being defined by the claims that follow. In reading the claims it is intended that when words such as "a," "an," "at least one," "at least a portion" are used there is no intention to limit the claim to only one item unless specifically stated to the contrary in the claim. Further, when the language "at least a portion" and/or "a portion" is used the item may include a portion and/or the entire item unless specifically stated to the contrary.

What is claimed is:

1. A mount for supporting a furnace above the floor, comprising:

a main body member having a first surface adapted to engage the floor and a second surface spaced from said first surface and adapted to support the furnace above the floor; and

an adherent component connected with said main body member and located proximate said second surface, said adherent component including an adhesive surface adapted to engage and couple said main body member with the furnace.

2. The mount of claim 1, wherein said main body member includes a locating portion adapted to abut the furnace and align said second surface under the furnace.

3. The mount of claim 2, wherein said locating portion includes an upstanding member extending substantially perpendicular from said second surface.

4. The mount of claim 2, wherein said adherent component is located on said upstanding member, and which further includes a vibration dampening material located on said second surface and adapted to receive the furnace thereon.

5. The mount of claim 4, wherein said vibration dampening material is defined by an elastomeric material.

6. The mount of claim 4, wherein said vibration dampening material is defined by a cork material.

7. The mount of claim 4, wherein said vibration dampening material is defined by an elastomeric and cork configuration.

8. The mount of claim 1, wherein said adherent component is attached to said second surface, and wherein said adhesive surface is spaced from said second surface.

9. The mount of claim 8, wherein said adhesive surface is substantially parallel with said second surface.

10. The mount of claim 8, wherein said adherent component includes a vibration dampening portion located between said second surface and said adhesive surface.

11. The mount of claim 10, wherein said vibration dampening portion includes an elastomeric material.

12. The mount of claim 10, wherein said vibration dampening portion includes a cork material.

13. The mount of claim 10, wherein said vibration dampening portion includes a vibration dampening pad.

14. The mount of claim 1, wherein said first surface and said second surface are substantially parallel, and wherein said second surface is spaced from said first surface at least about 2 inches.

15. A mount for supporting a furnace above the floor, comprising:

a substantially rigid main body member having a first surface adapted to engage the floor and a second surface spaced from said first surface and adapted to support the furnace above the floor;

a vibration dampening component positioned on and connected with said second surface, said vibration dampening component having an outer adhesive surface adapted to engage and couple said main body member with the furnace; and

wherein said main body member has a locating portion extending from said second surface to abut an outer surface of the furnace and position said second surface relative to the furnace.

16. The mount of claim 15, wherein said locating portion is defined by two upstanding members that are oriented perpendicular to one another, and wherein each of the two upstanding members has a bearing surface adapted to abut the furnace.

17. The mount of claim 15, wherein said vibration dampening component includes an elastomeric material.

18. The mount of claim 15, wherein said vibration dampening component includes a cork material.

19. The mount of claim 15, wherein said main body member supports the furnace about at least 2 inches above the floor.

20. The mount of claim 15, wherein said first and second surfaces are substantially parallel.

21. A combination, comprising:

a furnace; and

a plurality of furnace mounts adapted to hold the furnace above a floor, each of said plurality of mounts comprising:

a substantially rigid main body member having a first surface adapted to engage the floor and a second surface spaced from said first surface and adapted to support the furnace above the floor;

a vibration dampening component positioned on and connected with said second surface, said vibration dampening component having an outer adhesive surface adapted to engage and couple said main body member with the furnace; and

wherein said main body member has a locating portion extending from said second surface to abut an outer surface of the furnace and position said second surface relative to the furnace.

22. The combination of claim 21, wherein said locating portion is configured to engage a corner of the furnace

23. A method for supporting a furnace above the floor, comprising:

providing a furnace mounting block having an adhesive surface and a locating feature;

lifting the furnace to place at least a portion of a bottom surface of the furnace off of the floor;

positioning the furnace mounting block adjacent the bottom surface of the furnace and abutting the locating feature against an outer surface of the furnace; and

adhering the adhesive surface to the bottom surface of the furnace.

24. The method of claim 23, which further includes providing a plurality of furnace mounting blocks, and which further includes repeating said positioning and said adhering for each corner adjacent the bottom surface of the furnace.

25. The method of claim 24, which further includes sliding the furnace across the floor on the mounting blocks while the mounting blocks are adhered to the bottom surface of the furnace.

ABSTRACT OF THE DISCLOSURE

A furnace mounting system to elevate the furnace above the floor. In one form the furnace mounting system includes a furnace mounting block including a vibration dampening feature to prevent the transmission of noise and vibration from the furnace to the mounting block. The furnace mounting block includes a locating feature and is adhered to the bottom surface of the furnace.

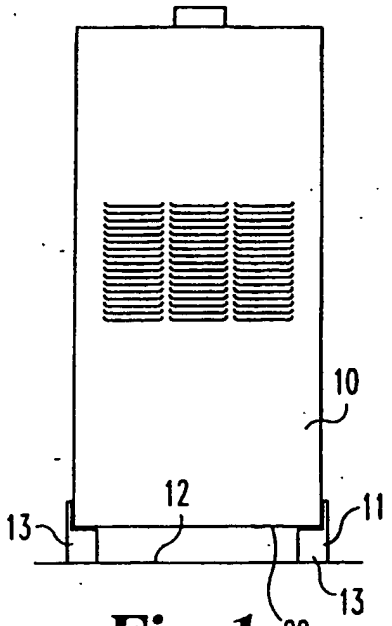


Fig. 1

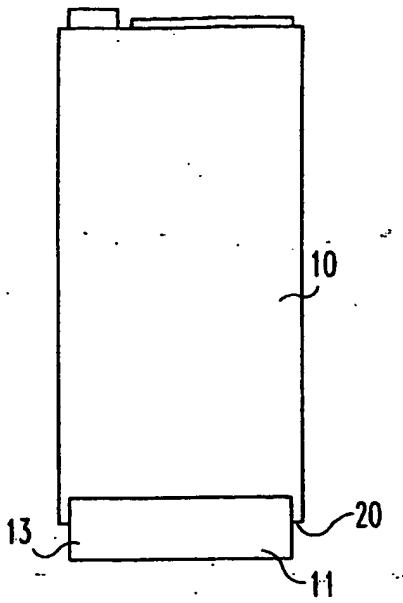


Fig. 2

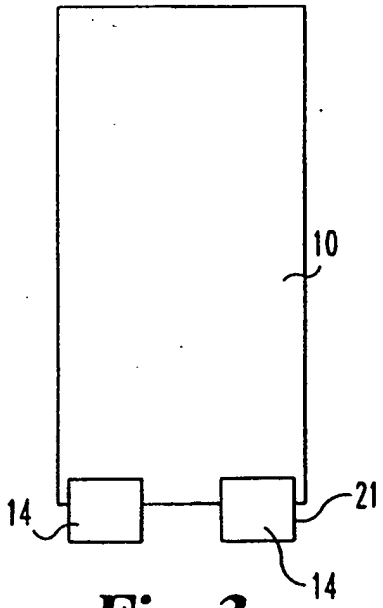


Fig. 3

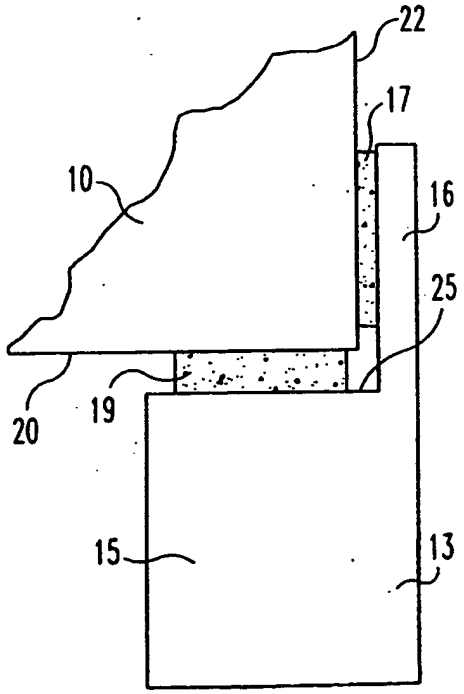


Fig. 4

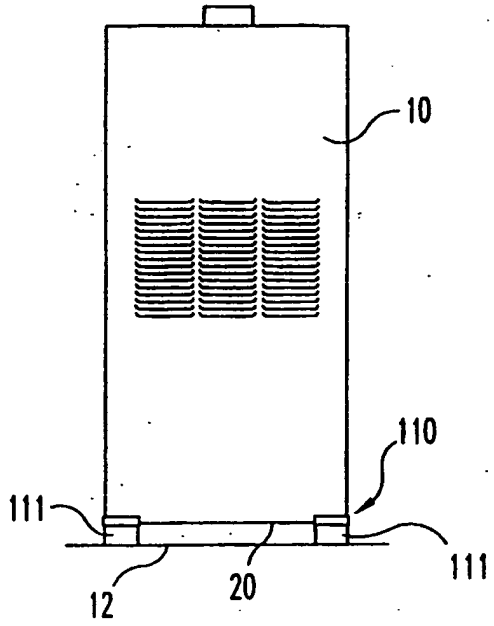


Fig. 5

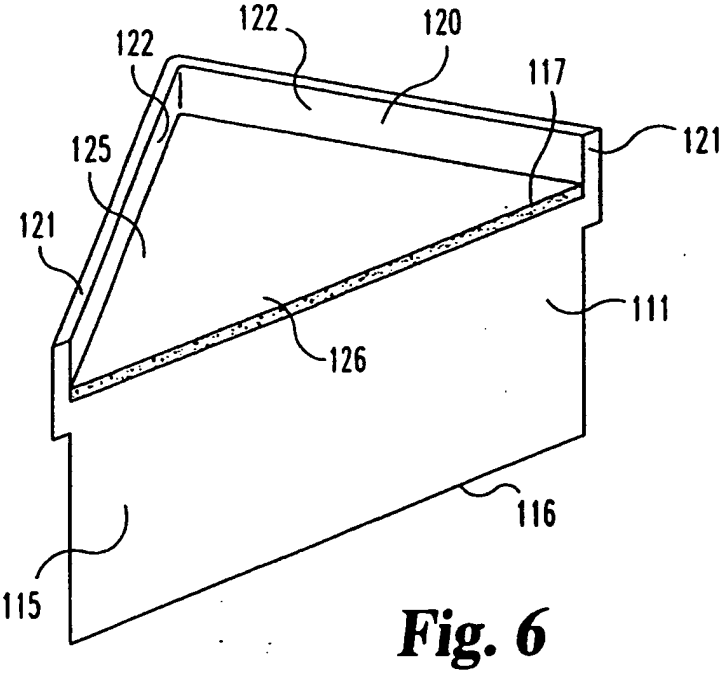


Fig. 6

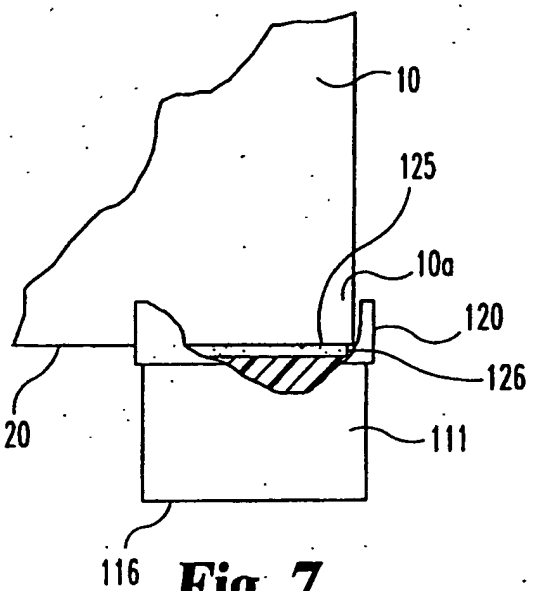

10
125
10a
120
126
20
111
116

Fig. 7

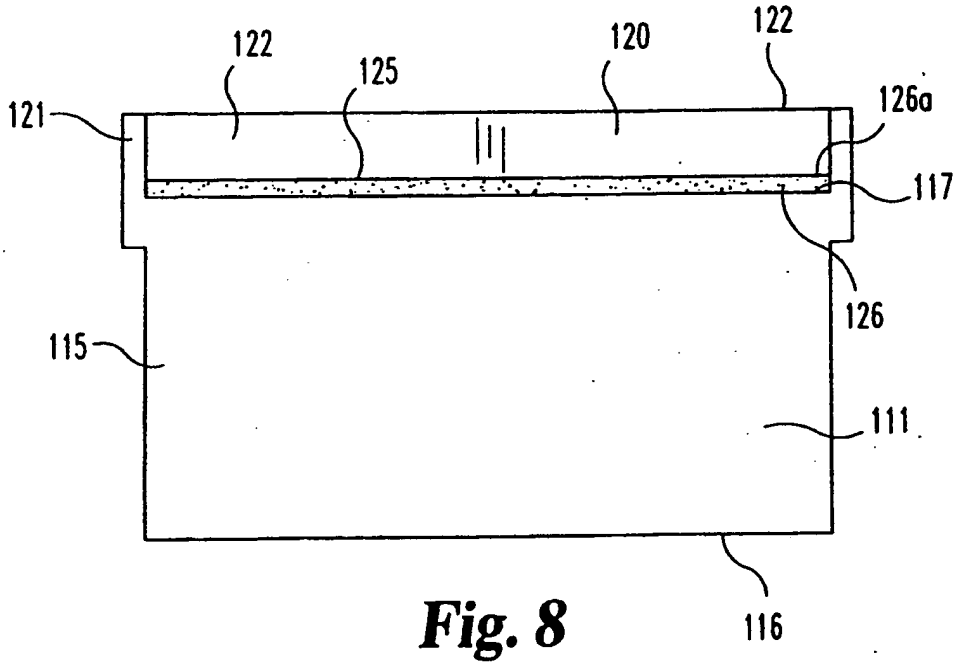

122
125
120
122
121
126a
117
126
115
111
116

Fig. 8

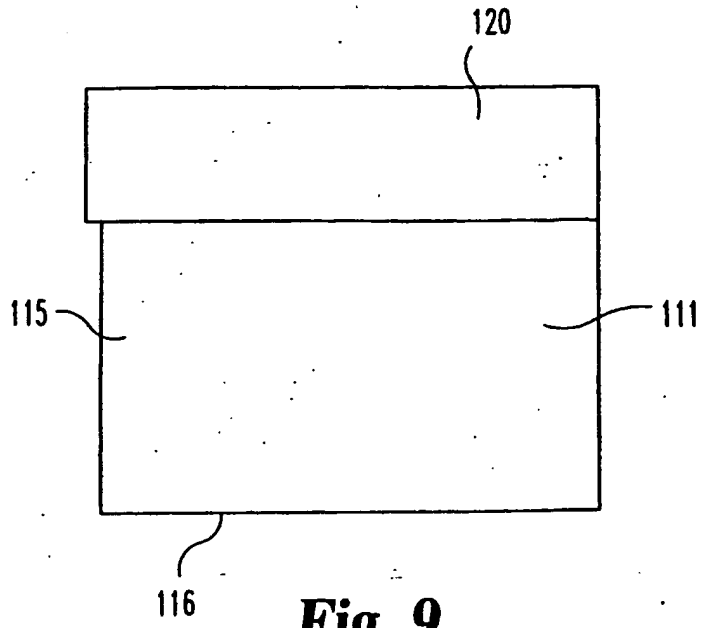


Fig. 9

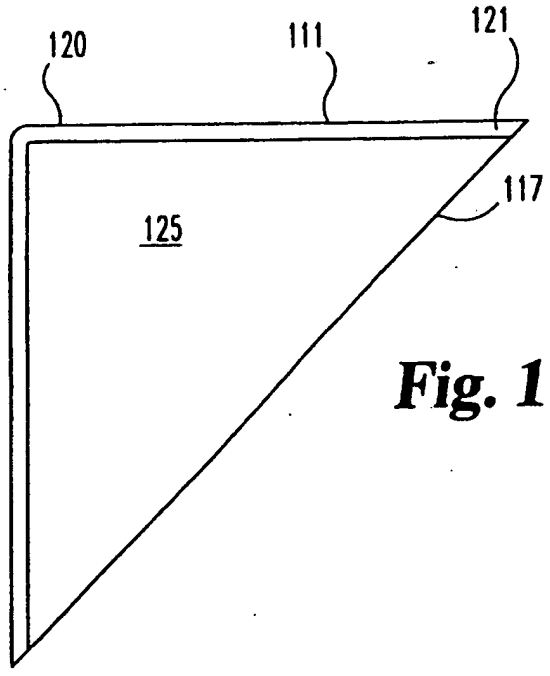


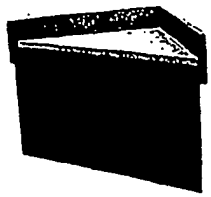
Fig. 10

EXHIBIT D

NEW!

FURNACE MOUNTING BLOCKS

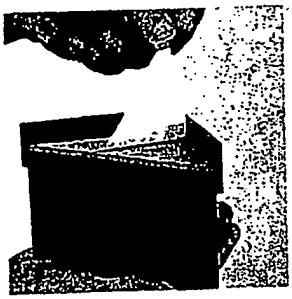
Eliminates Vibration & Noise

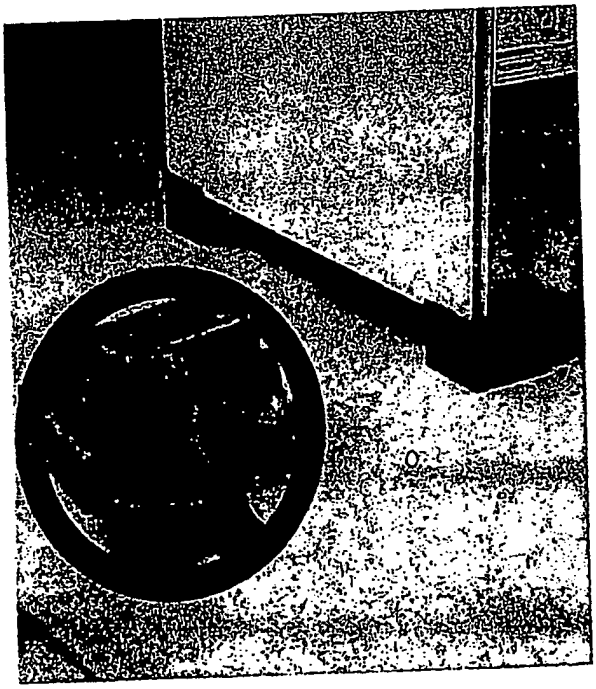


Patent Pending

FEATURES & Benefits:

- Peel & Stick – *EASY INSTALLATION!*
- Vibration Absorbing Cork Pad – *NOISE REDUCTION!*
- 300 lbs per Block Support – *STRENGTH!*
- Holds Furnace off Floor – *Avoids MOISTURE & RUST!*
- Lifetime Guarantee – *DURABLE PLASTIC POLYMER!*
- 4 Mounting Blocks weigh only 1.5 lbs versus 4 Cinder Blocks @ 24 lbs – *LIGHTWEIGHT!*
- Available at Wholesalers – *SAVES TIME!*
- Won't come off & Easier to install – *SAVES MONEY!*





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RELATED PROCEEDINGS APPENDIX

[None]